

**OFFICIAL JOURNAL  
OF THE  
SENATE  
OF THE  
STATE OF LOUISIANA**

---

**TWENTY-SECOND DAY'S PROCEEDINGS**

**Twenty-Ninth Regular Session of the Legislature  
Under the Adoption of the  
Constitution of 1974**

Senate Chamber  
State Capitol  
Baton Rouge, Louisiana

Tuesday, May 13, 2003

The Senate was called to order at 9:00 o'clock A.M., by Hon. John Hainkel, President of the Senate.

**ROLL CALL**

The roll being called, the following members answered to their names:

**PRESENT**

Mr. President	Ellington	Johnson
Adley	Fontenot	Lambert
Barham	Gautreaux	Lentini
Cain	Hines	Malone
Chaisson	Holden	Mount
Dardenne	Hollis	Smith
Dean	Hoyt	Theunissen
Dupre	Irons	
Total—23		

**ABSENT**

Bajoie	Jones, B	Schedler
Bean	Jones, CD	Tarver
Boissiere	Marionneaux	Thomas
Cravins	McPherson	Ullo
Fields	Michot	
Heitmeier	Romero	
Total—16		

The President of the Senate announced there were 23 Senators present and a quorum.

**Prayer**

The prayer was offered by Rev. Van Stinson, following which the Senate joined in pledging allegiance to the flag of the United States of America.

**Reading of the Journal**

On motion of Senator Adley, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

**Morning Hour**

**Privilege Report of the  
Legislative Bureau**

May 13, 2003

To the President and Members of the Senate:

I am directed by your Legislative Bureau to submit the following report:

The following bills are approved as to construction and duplication.

**HOUSE CONCURRENT RESOLUTION NO. 1—**  
BY REPRESENTATIVES FRITH, TRICHE, AND NEVERS  
**A CONCURRENT RESOLUTION**

To suspend for the 2002-2003 school year the provisions of R.S. 17:154.1(A)(1) as applicable to any city, parish, or other local public school or school system which cannot meet for the 2002-2003 school year the minimum requirements for instructional time specified due to school closure for reasons of natural catastrophe or disaster and which also meet certain conditions.

Reported without amendments.

**HOUSE BILL NO. 11—**  
BY REPRESENTATIVE STRAIN  
**AN ACT**

To name a portion of Louisiana Highway 59 in St. Tammany Parish the R.H. "Bill" Strain Memorial Highway; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 12—**  
BY REPRESENTATIVE CROWE  
**AN ACT**

To enact R.S. 17:85.2, relative to naming a curriculum center; to authorize the parish school board in certain parishes to name a curriculum center in honor of a former educator and coach; to provide limitations; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 18—**  
BY REPRESENTATIVES BRUNEAU, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BALDONE, BAUDOIN, BAYLOR, BEARD, BOWLER, BROOME, BRUCE, CAPELLA, R. CARTER, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEVILLIER, DEWITT, DIEZ, DOWNER, DOWNS, DURAND, ERDEY, FARRAR, FAUCHEUX, FLAVIN, FRITH, FRUGE, FUTRELL, GALLOT, GLOVER, GREEN, GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUDSON, HUNTER, L. JACKSON, M. JACKSON, JOHNS, KATZ, KENNARD, KENNEY, LANCASTER, LEBLANC, LUCAS, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRISH, MURRAY, NEVERS, ODINET, PERKINS, PEYCHAUD, PIERRE, PINAC, PITRE, POWELL, QUEZAIRE, RICHMOND, ROMERO, SALTER, SCALISE, SCHWEGMANN, SHAW, GARY SMITH, JACK SMITH, JANE SMITH, SNEED, STELLY, SWILLING, THOMPSON, TOOMY, TOWNSEND, TRICHE, WADDELL, WALKER, WELCH, WINSTON, WOOTON, AND WRIGHT  
**AN ACT**

To enact R.S. 47:463.111, relative to motor vehicles; to provide relative to license plates; to provide for creation of a special prestige license plate for commissioned police officers; to provide for fees for such plate; to authorize the promulgation of rules and regulations; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 23—**  
BY REPRESENTATIVE ILES  
**AN ACT**

To name United States Highway 171, from the city of Lake Charles to the city of Shreveport, except for that portion named the Johnny B. Hall Memorial Highway, the Purple Heart Highway; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 44—**  
BY REPRESENTATIVE STRAIN  
**AN ACT**

To name a portion of U.S. Highway 190 in St. Tammany Parish the Ronald Reagan Highway; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 97—**

BY REPRESENTATIVE NEVERS

AN ACT

To enact R.S. 17:85.2, relative to naming a high school football stadium; to authorize the city school board in certain cities to name a high school football stadium in honor of a former coach; to provide limitations; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 125—**

BY REPRESENTATIVE ANSARDI

AN ACT

To designate a portion of Louisiana Highway 48 as Reverend Richard Wilson Drive; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 242—**

BY REPRESENTATIVE QUEZAIRE

AN ACT

To provide relative to state highways; to name a portion of Louisiana Highway 75 as the Martin Luther King, Jr. Parkway; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 287—**

BY REPRESENTATIVE TOOMY AND SENATOR HEITMEIER

AN ACT

To recognize a portion of Louisiana Highway 23 in Gretna as the Mel Ott Parkway; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 328—**

BY REPRESENTATIVE NEVERS

AN ACT

To enact R.S. 47:463.111, relative to motor vehicle prestige license plates; to provide for the creation of a prestige license plate to honor and promote foster parenting and adoption; to provide for the issuance of such plate; to provide relative to the fees for such plate; to provide for use of such fees; to authorize the promulgation of rules and regulations; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 394—**

BY REPRESENTATIVES SCALISE AND BOWLER

AN ACT

To amend and reenact R.S. 47:463.61(A), relative to vehicles for which the existing Choose Life license plates may be issued; to authorize the issuance of the Choose Life prestige license plate for motorcycles; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 407—**

BY REPRESENTATIVE JOHNS

AN ACT

To provide relative to state highways; to name a portion of Louisiana Highway 3063, from Vinton to Louisiana Highway 109, as Delta Downs Drive; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 424—**

BY REPRESENTATIVES PITRE AND WALSWORTH

A JOINT RESOLUTION

Proposing to amend Article I, Section 4 of the Constitution of Louisiana, to authorize the legislature to place limitations on the extent of recovery for the taking of, or loss or damage to,

property rights affected by coastal wetlands conservation, management, preservation, enhancement, creation, or restoration activities; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 457—**

BY REPRESENTATIVES TRICHE, FRITH, AND NEVERS

AN ACT

To enact R.S. 17:154.1(A)(3), relative to minimum requirements for instructional time; to provide for applicability of such requirements to certain public schools and school systems under certain circumstances; to provide for certification by the state superintendent of education relative to such applicability; to provide for rules and regulations adopted by the State Board of Elementary and Secondary Education relative to such applicability; to provide for effectiveness; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 495—**

BY REPRESENTATIVE KATZ

AN ACT

To authorize and provide for the transfer or lease of certain state property in Ouachita Parish to the Department of Transportation and Development from the University of Louisiana at Monroe; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 498—**

BY REPRESENTATIVE TOWNSEND

AN ACT

To authorize and provide for the transfer or lease of certain state property in Natchitoches Parish to the city of Natchitoches from Northwestern State University; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 531—**

BY REPRESENTATIVES PITRE, JOHNS, AND WALSWORTH

AN ACT

To enact R.S. 49:213.9, relative to property rights; to limit recovery for property taken or affected by coastal restoration; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 539—**

BY REPRESENTATIVE ODINET

AN ACT

To enact R.S. 17:85.2, relative to naming a high school football stadium; to authorize the parish school board in certain parishes to name a high school football stadium in honor of a former coach; to provide limitations; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 559—**

BY REPRESENTATIVE PIERRE AND SENATOR ROMERO

AN ACT

To enact R.S. 49:191(14) and to repeal R.S. 49:191(12)(i), relative to the Department of Wildlife and Fisheries, including provisions to provide for the re-creation of the Department of Wildlife and Fisheries and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 568—**

BY REPRESENTATIVE CRANE AND SENATOR THEUNISSEN

AN ACT

To amend and reenact R.S. 17:7.1(A)(4), relative to the certification of teachers; to provide for certification requirements relative to the teaching of reading for participants in certain alternate teacher education programs; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 569—**

BY REPRESENTATIVE CRANE AND SENATOR THEUNISSEN

AN ACT

To amend and reenact R.S. 17:7.1(B), relative to the certification of certain public school administrators; to require, for certification as a principal or superintendent, the passage of an appropriate assessment instrument; to authorize the State Board of Elementary and Secondary Education to select the appropriate assessment instrument for such certification and to determine the level at which the assessment is satisfactorily passed; to provide for effectiveness; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 571—**

BY REPRESENTATIVE CRANE

AN ACT

To amend and reenact R.S. 17:7(6)(c)(i), relative to emergency teaching permits; to provide for the renewal of an emergency teaching permit by the state superintendent of education; to provide limitations; to provide an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 602—**

BY REPRESENTATIVE CAZAYOUX

AN ACT

To enact R.S. 47:463.111, relative to motor vehicle prestige license plates; to provide for the creation of a Louisiana organ donation prestige license plate; to provide for the issuance of such plate; to provide relative to the fees for such plate; to provide for use of such fees; to authorize the promulgation of rules and regulations; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 606—**

BY REPRESENTATIVE DIEZ

AN ACT

To authorize and provide for the transfer or lease of certain state property in East Baton Rouge Parish to the Department of Transportation and Development; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 607—**

BY REPRESENTATIVE DIEZ

AN ACT

To authorize and provide for the transfer or lease of certain state property in St. Tammany Parish to the Department of Transportation and Development; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 608—**

BY REPRESENTATIVE DIEZ

AN ACT

To authorize and provide for the transfer or lease of certain state property in Webster Parish from Louisiana Tech University to the Department of Transportation and Development; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 609—**

BY REPRESENTATIVE DIEZ

AN ACT

To authorize and provide for the transfer or lease of certain state property in St. Tammany Parish from the Department of Health and Hospitals and the Department of Culture, Recreation and Tourism, to the Department of Transportation and Development; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 718—**

BY REPRESENTATIVE L. JACKSON

AN ACT

To amend and reenact Section 3 of Act No. 520 of the 1993 Regular Session of the Louisiana Legislature, relative to certain land which was dedicated by the state of Louisiana to the Caddo Parish School Board; to provide for reversion of the property to the state; to authorize the sale of improvements made to the property by the school board; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 739—**

BY REPRESENTATIVE DIEZ

AN ACT

To authorize and provide for the transfer or lease of certain state property in Caldwell Parish from the Department of Health and Hospitals and the Department of Culture, Recreation and Tourism to the Department of Transportation and Development; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 806—**

BY REPRESENTATIVES DIEZ AND JOHN SMITH

AN ACT

To authorize and provide for the transfer of certain state property in Vernon Parish from the Department of Transportation and Development to the United States Army; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 826—**

BY REPRESENTATIVE DEWITT

AN ACT

To authorize and provide for the transfer of certain state property in Rapides Parish to the England Economic & Industrial Development District; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 850—**

BY REPRESENTATIVES MONTGOMERY, BRUCE, AND GLOVER

AN ACT

To amend and reenact R.S. 34:3160(D), relative to the Caddo-Bossier Parishes Port Commission; to provide relative to the rights and powers of such commission; to increase the maximum term of certain contracts, leases, and other agreements which may be entered into by such commission; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 896—**  
BY REPRESENTATIVE PIERRE AND SENATOR ROMERO  
AN ACT

To enact R.S. 49:191(14) and to repeal R.S. 49:191(12)(j), relative to the Department of Natural Resources, including provisions to provide for the re-creation of the Department of Natural Resources and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 970—**  
BY REPRESENTATIVE K. CARTER  
AN ACT

To authorize and provide for the transfer of certain state property in Orleans Parish to the Regional Transit Authority of the City of New Orleans from the Charity Hospital and Medical Center of Louisiana at New Orleans and the LSU Health Sciences Center, Health Care Services Division; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1003—**  
BY REPRESENTATIVE MARTINY  
AN ACT

To amend and reenact R.S. 38:291(D)(1), relative to levee boards and districts; to provide for clarification of the levee district comprised of a certain portion of Jefferson Parish; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1168—**  
BY REPRESENTATIVE QUEZAIRE  
AN ACT

To name a certain portion of Louisiana Highway 75 the Point Clair Thruway; and to provide for related matters.

Reported without amendments.

Respectfully submitted,  
LOUIS LAMBERT  
Chairman

**Adoption of Legislative Bureau Report**

On motion of Senator Lambert, the Bills and Joint Resolutions were read by title and passed to a third reading.

**House Bills and Joint Resolutions  
on Second Reading to be Referred**

The following House Bills and Joint Resolutions were read by title and referred to committees as follows:

**HOUSE BILL NO. 161—**  
BY REPRESENTATIVE GLOVER  
AN ACT

To enact R.S. 14:34.5.1, relative to offenses against the person; to create the crime of battery of a public employee; to provide for definitions; to provide for criminal penalties; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary C.

**HOUSE BILL NO. 165—**  
BY REPRESENTATIVE POWELL  
AN ACT

To amend and reenact R.S. 56:332(K), relative to crab traps; to change the months within which the required escape rings must be open to allow crabs to escape; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Natural Resources.

**HOUSE BILL NO. 170—**  
BY REPRESENTATIVE POWELL  
AN ACT

To enact R.S. 56:332(M), relative to taking of crabs; to allow a certain amount of finfish by-catch caught in crab traps to be kept for personal consumption; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Natural Resources.

**HOUSE BILL NO. 174—**  
BY REPRESENTATIVE DOERGE  
AN ACT

To enact Part XXVI of Chapter 13 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:3087.191 through 3087.203, to create and provide for the Webster Parish Watershed District; to provide for the boundaries and purposes of the district; to create and provide for a board of commissioners of the district; to provide for the powers and duties of the board; to authorize the board to promulgate rules and regulations and to provide for the enforcement thereof; to provide for violations and penalties; to provide relative to the powers and duties of the Department of Transportation and Development with respect to the district; to provide for the regulation of commercial establishments and to provide relative to licensing of such establishments and fees to be imposed thereon; to provide for creation and construction of playgrounds and recreational facilities; to provide relative to mineral leases; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Transportation, Highways, and Public Works.

**HOUSE BILL NO. 481—**  
BY REPRESENTATIVE MARTINY  
AN ACT

To enact Part XIII of Chapter 2 of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:521 through 523, and R.S. 44:3(G), relative to evidence; to provide for proof of an official driving record by certificate of the assistant secretary of the Department of Public Safety and Corrections, office of motor vehicles, or his designee; to provide for the admissibility of official driving records; to provide for notice of opposing parties and opportunity to cross-examine experts; to provide that certificates of official driving records are not public records; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary C.

**HOUSE BILL NO. 616—**  
BY REPRESENTATIVE FAUCHEUX (BY REQUEST)  
AN ACT

To enact R.S. 17:81(O), to require that expenditures by city, parish, and other local school boards to reimburse school board members for certain travel and related expenses be in accordance with travel regulations prescribed by the division of administration for state executive branch employees; to provide for an effective date; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Education.

**HOUSE BILL NO. 714—**

BY REPRESENTATIVE JOHNS

AN ACT

To amend and reenact R.S. 37:1731(A)(2)(a) and to enact R.S. 37:1731(A)(2)(c) and (d), relative to emergency care at public and private hospitals; to provide for a limitation of liability of certain persons providing gratuitous emergency care; to define "on-call physician"; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary A.

**HOUSE BILL NO. 784—**

BY REPRESENTATIVE DANIEL

AN ACT

To amend and reenact R.S. 9:2721.1(A), relative to the recordation of leases of immovable property; to provide for recordation of certain mineral leases; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary A.

**HOUSE BILL NO. 864—**

BY REPRESENTATIVE DEVILLIER

AN ACT

To amend and reenact Code of Evidence Article 412.2(A), relative to relevancy of evidence and its limits; to provide that evidence regarding the commission of acts involving sexually assaultive behavior may be admissible in certain cases; to provide that evidence regarding acts which indicate a lustful disposition toward children is admissible in certain cases; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary C.

**HOUSE BILL NO. 957—**

BY REPRESENTATIVES WELCH AND MURRAY

AN ACT

To enact R.S. 46:153.3(C), relative to prescription drugs used in the treatment of HIV/AIDS, hepatitis C, and schizophrenia; to provide a list of drugs which shall be exempt from the Department of Health and Hospitals' reimbursement limits or prior approval requirements; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Health and Welfare.

**HOUSE BILL NO. 1011—**

BY REPRESENTATIVE DEVILLIER

AN ACT

To enact R.S. 40:1002, relative to controlled dangerous substances; to create the crime of the creation or operation of a clandestine laboratory for the unlawful manufacture of a controlled dangerous substance; to provide for penalties; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary C.

**HOUSE BILL NO. 1014—**

BY REPRESENTATIVE DEVILLIER

AN ACT

To amend and reenact R.S. 14:93(A), relative to the crime of cruelty to juveniles; to provide for additional grounds for violations for the intentional or negligent exposure to a clandestine laboratory operation; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary C.

**HOUSE BILL NO. 1015—**

BY REPRESENTATIVE DEVILLIER

AN ACT

To amend and reenact R.S. 40:967(B)(1), (3), and (5), relative to Schedule II controlled dangerous substances; to provide increased penalties for the distribution, dispensing, or possession with intent to produce, manufacture, distribute, or dispense amphetamines or methamphetamines; to clarify the penalty provision for Schedule II non-narcotic controlled dangerous substances not otherwise provided for by law; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary C.

**HOUSE BILL NO. 1016—**

BY REPRESENTATIVES DEVILLIER AND HEATON

AN ACT

To amend and reenact R.S. 15:574.4(A)(2)(a)(introductory paragraph), relative to eligibility for intensive parole supervision under the supervision of the Department of Public Safety and Corrections; to provide for eligibility of persons convicted of certain controlled dangerous substances; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary B.

**HOUSE BILL NO. 1129—**

BY REPRESENTATIVE GALLOT

AN ACT

To amend and reenact Children's Code Article 791.1, relative to the truancy and assessment and service center pilot program; to authorize the creation of a truancy and assessment and service center in the parishes of Bienville, Claiborne, and Jackson; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary B.

**HOUSE BILL NO. 1264—**

BY REPRESENTATIVES SALTER AND ILES

AN ACT

To amend and reenact R.S. 38:2325(A), relative to the powers of the Sabine River Authority; to establish a conservation pool level; to prohibit the generation of hydroelectric power under certain circumstances; to provide relative to limitations on other uses of water in the reservoir; and to provide for related matters.

On motion of Senator Smith, the bill was read by title and referred to the Committee on Commerce, Consumer Protection and Internal Affairs.

**HOUSE BILL NO. 1321—**

BY REPRESENTATIVE K. CARTER

AN ACT

To enact Part LVI of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1300.171 and 1300.172, relative to environmental health surveillance; to provide for purpose of environmental health surveillance; to provide for objective; to provide for creation of a working group; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Health and Welfare.

**HOUSE BILL NO. 1373—**

BY REPRESENTATIVE DANIEL

AN ACT

To amend and reenact Civil Code Article 493, relative to ownership of improvements permanently attached to the ground; provides for ownership when the owner of the improvements no longer has the right to keep them on the land; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary A.

**HOUSE BILL NO. 1374—**

BY REPRESENTATIVE DANIEL

AN ACT

To amend and reenact R.S. 9:2791(A), relative to property not used for commercial recreational activities; provides relative to responsibility by the owner; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary A.

**HOUSE BILL NO. 1476—**

BY REPRESENTATIVES HEBERT, FRUGE, AND BOWLER

AN ACT

To amend and reenact R.S. 22:1254 and 1255(A), relative to the use of courts by unauthorized insurers; to provide for approval; to provide for bonds; to provide for exemption; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Insurance.

**HOUSE BILL NO. 1582—**

BY REPRESENTATIVE DANIEL

AN ACT

To amend and reenact R.S. 47:1992(C), relative to the assessment of property for ad valorem tax purposes; to provide that complaints filed with local boards of review by certified mail shall be received at the board office no later than seven days prior to the public hearing; to provide that complaints may be filed by facsimile transmission to the board office and shall be received at the board office no later than seven days prior to the public hearing; to provide for an effective date; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

**HOUSE BILL NO. 1621—**

BY REPRESENTATIVE HAMMETT

AN ACT

To amend and reenact R.S. 47:303.1(B), (C), and (D), and Section 2 of Act No. 15 of the 1996 Regular Session of the Legislature, as amended by Act No. 47 of the 1998 Regular Session of the Legislature, and as amended by Act No. 33 of the 2000 Regular Session of the Legislature, relative to state and local sales and use taxes; to provide that private, nonprofit, tax-exempt organizations may apply for a direct payment number for the purpose of payment of taxes owed; to extend the termination date regarding certain transactions involving certain private and parochial elementary and secondary schools; to provide an effective date; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

**HOUSE BILL NO. 1690—**

BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 48:81(A)(1) and (2) and (B)(2) and (4), 82(B)(4), (C), (D)(4), (6), and (10), and (E), and 83(A)(1), relative to the Louisiana Infrastructure Bank; to authorize loans from the bank to fund Department of Transportation and Development approved infrastructure projects of public entities; to require the state treasurer to serve as president and chairman of the board; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Transportation, Highways, and Public Works.

**HOUSE BILL NO. 1765—**

BY REPRESENTATIVE ANSARDI

AN ACT

To amend and reenact R.S. 22:250.38(B), relative to recoupment of payments; to provide for appeal of health insurer's action; to allow a health care provider thirty days to provide certain information to the insurer; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Insurance.

**HOUSE BILL NO. 1796—**

BY REPRESENTATIVE BRUNEAU

AN ACT

To amend and reenact R.S. 12:954 (introductory paragraph) and (3), 959, 965 and 969 and to enact R.S. 12:954(4); relative to corporations; to make technical corrections to the Industrial or Economic Development Corporations law; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Commerce, Consumer Protection and Internal Affairs.

**HOUSE BILL NO. 1828—**

BY REPRESENTATIVE DANIEL

AN ACT

To enact R.S. 47:118(H), relative to individual income tax; to require the secretary of the Department of Revenue to notify certain taxpayers of the requirement for filing a declaration of estimated tax; to provide for an effective date; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

**HOUSE BILL NO. 1845—**

BY REPRESENTATIVES DAMICO, PERKINS, PEYCHAUD, JANE SMITH, AND WADDELL

AN ACT

To amend and reenact R.S. 30:2418(H)(introductory paragraph) and (3) and to enact R.S. 36:104(B)(8), relative to waste tires; to provide for agreements between the Departments of Environmental Quality and Economic Development; to provide for use of the Waste Tire Management Fund; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Environmental Quality.

**HOUSE BILL NO. 1855—**

BY REPRESENTATIVE MORRELL

AN ACT

To amend and reenact R.S. 14:95.1(A), relative to possession or concealment of a firearm; to provide that it is unlawful for any person who has been convicted of a crime which is defined as a sex offense in R.S. 15:541(14.1) to possess a firearm or to carry a concealed weapon; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary C.

**HOUSE BILL NO. 1856—**

BY REPRESENTATIVE LAFLEUR

AN ACT

To enact R.S. 14:71(H) and (I), relative to the crime of issuing worthless checks; to provide for the evidence which may be introduced to prove violations of that crime; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary C.

**HOUSE BILL NO. 1863—**

BY REPRESENTATIVES BRUCE AND PINAC

AN ACT

To amend and reenact R.S. 37:2167(B)(1), relative to residential building contractors; to authorize the submission of a certificate evidencing liability protection provided by a liability trust fund in lieu of liability insurance; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Commerce, Consumer Protection and Internal Affairs.

**HOUSE BILL NO. 1904—**

BY REPRESENTATIVE DURAND

AN ACT

To amend and reenact R.S. 40:2017.11, relative to fees for review of plans by the Department of Health and Hospitals; to increase fees for the review of construction plans for hospitals, ambulatory surgical centers, nursing homes, and group or community homes or other residential living options by the Department of Health and Hospitals; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Health and Welfare.

**HOUSE BILL NO. 1917—**

BY REPRESENTATIVES DOWNS AND GALLOT

AN ACT

To authorize the adjutant general of the Louisiana Army National Guard to transfer title to certain land in Union Parish to the Union Parish Police Jury; to provide for the property description; to provide for reservation of mineral rights; to provide for terms and conditions; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Natural Resources.

**HOUSE BILL NO. 1940—**

BY REPRESENTATIVE WOOTON

AN ACT

To amend and reenact R.S. 27:15(D) and (E), relative to the Louisiana Gaming Control Law; to provide that civil penalties imposed by the Louisiana Gaming Control Board are applicable to the land-based casino and live horse racing facilities conducting slot machine gaming; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary B.

**HOUSE BILL NO. 1989—**

BY REPRESENTATIVES HEBERT, DEWITT, BAYLOR, ERDEY, FRUGE, MORRISH, GARY SMITH, TOWNSEND, AND TUCKER

AN ACT

To enact R.S. 22:231(H) and 236(10) and Chapter 8 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:3101 through 3112, relative to minimal benefit hospital and

medical policies; to create the Louisiana Safety Net Health Insurance Program; to provide for the Louisiana Health Plan; to provide for eligibility; to provide for participation; to provide for employers; to provide for administration and oversight; to provide for the Office of Group Benefits; to provide for coverage and benefits; to provide for policy forms and requirements; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Insurance.

**Senate Bills and Joint Resolutions  
on Second Reading  
Reported by Committees**

The following Senate Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

**SENATE BILL NO. 10—**

BY SENATOR THEUNISSEN

AN ACT

To amend and reenact R.S. 15:254.6(B)(2) relative to compulsory process; to provide for the use of unexpended and unencumbered funds in the witness fee account for the town of Welsh; to provide that surplus funds may be deposited into the town's general fund to pay for infrastructure improvements and equipment; and to provide for related matters.

Reported favorably by the Committee on Finance. On motion of Senator Dardenne, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 105—**

BY SENATOR CHAISSON

AN ACT

To amend and reenact R.S. 13:10.3(C) and (E), relative to the Judges' Supplemental Compensation Fund; to provide for an increase in the nonrefundable civil filing fee; to provide that the fee increase shall be rounded up to the next dollar; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 105 by Senator Chaisson

**AMENDMENT NO. 1**

On page 1, line 4, after "fee;" delete the remainder of the line and on line 5, delete "rounded up to the next dollar;"

**AMENDMENT NO. 2**

On page 1, line 13, change "**twenty-six**" to "**twenty**"

**AMENDMENT NO. 3**

On page 2, line 9, change "**twenty-six**" to "**twenty**"

**AMENDMENT NO. 4**

On page 2, line 16, change "up" to "off" and change "next dollar" to "nearest half-dollar"

**AMENDMENT NO. 5**

On page 2, at the beginning of line 19, change "next dollar" to "nearest half-dollar"

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 116—**  
BY SENATOR DARDENNE

AN ACT

To enact R.S. 40:2155(B)(8) and (9), relative to adult residential care homes; to provide for resident support during times of emergency and natural disasters; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. On motion of Senator Hines, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 190—**  
BY SENATOR BOISSIERE

AN ACT

To amend and reenact R.S. 11:701(28), 723(A)(1), 728(A) and (B)(1)(a)(ii), and 783(D)(1)(a), relative to the Teachers' Retirement System of Louisiana; to provide with respect to monthly retirement benefits paid in advance; to provide with respect to selection of option for method of payment after death of member; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Retirement. On motion of Senator Gautreaux, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 191—**  
BY SENATOR BOISSIERE

AN ACT

To amend and reenact R.S. 11:783(A)(3)(a) and to repeal R.S. 11:783(A)(3)(f), relative to the Teachers' Retirement System of Louisiana; to provide with respect to the Initial Lump-Sum Benefit; to provide with respect to creditable service; to provide with respect to reemployment after termination; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Retirement. On motion of Senator Gautreaux, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 201—**  
BY SENATOR BOISSIERE

AN ACT

To amend and reenact R.S. 11:728(A)(4), relative to the Teachers' Retirement System of Louisiana; to provide with respect to rollover provisions; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Retirement. On motion of Senator Gautreaux, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 215—**  
BY SENATOR BOISSIERE

AN ACT

To repeal R.S. 11:205, relative to the Louisiana State University Retirement System; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Retirement. On motion of Senator Gautreaux, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 276—**  
BY SENATORS ELLINGTON AND DARDENNE

AN ACT

To amend and reenact Code of Civil Procedure Article 1732(1), relative to jury trials; to provide for the availability of jury trials in certain circumstances; to provide for limitations; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 276 by Senator Ellington

AMENDMENT NO. 1

On page 1, delete lines 11 through 13 and insert the following:

**"Article 1732(1) is all proposed new law.**

(1) A suit or proceeding involving:

(a) One petitioner where the amount of the petitioner's cause of action does not exceed fifty thousand exclusive of interest and costs; or

(b) At least two or more petitioners where:

(i) The aggregate amount of all petitioners' cause of action does not exceed one hundred thousand dollars exclusive of interest and costs; and

(ii) No individual petitioner's cause of action exceeds fifty thousand dollars exclusive of interest and costs.

(c) The provisions of Item (1)(b)(i) of this Paragraph shall not apply to a suit or proceeding where all of the petitioners are the father, mother, child, or children of the same family."

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 323—**  
BY SENATORS LENTINI AND BOISSIERE

AN ACT

To amend and reenact R.S. 48:279, relative to highways; to provide relative to night time construction and maintenance work on limited access highways; and to provide for related matters.

Reported with amendments by the Committee on Finance.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Finance to Engrossed Senate Bill No. 323 by Senator Lentini

AMENDMENT NO. 1

On page 1, at the beginning of line 3, change "night time" to "non-peak hours"

AMENDMENT NO. 2

On page 1, at the end of line 8, insert a semi-colon ";", and on line 9, change "~~exceptions~~" to "exceptions"

AMENDMENT NO. 3

On page 1, delete lines 10 through 12 and add the following:

"A. On any construction or maintenance project which requires the ~~temporary~~ closure of a lane ~~of on~~ a controlled access ~~urban principal~~ arterial highway in a parish with a population of not less than two hundred thousand ~~interstate~~, the department shall perform a traffic queue analysis and where the analysis determines a potential for traffic which may result in undo hardship or significant delay to the motoring public, the"

AMENDMENT NO. 4

On page 1, line 15, after "performed" change "no earlier than 8 p.m. and no later than" to "no earlier than 8 p.m. and no later than during non-peak traffic hours, including night work between the hours of 8 p.m. and 6 a.m. and weekends, unless specific traffic studies determine that such non-peak hour work is not feasible."

AMENDMENT NO. 5

On page 2, delete lines 1 thorough 21 and add the following:



"6 a.m. On projects where the department has found ~~night non-peak~~ work feasible and provides an incentive to construct expeditiously, the contractor ~~must shall~~ perform ~~night non-peak~~ work or provide just cause for failure to perform ~~night non-peak~~ work in order to qualify for or earn the incentive to construct expeditiously.

B. If after reviewing existing traffic volumes, congestion, traffic control measures, motorist safety, project cost, project quality, inspection obligations, highway user costs, work force availability, work zone lighting, worker safety, and other factors which the department may deem necessary in determining the feasibility of ~~night time non-peak hour~~ construction or maintenance, the department determines that it is not feasible to perform construction or maintenance work during ~~night time non-peak~~ hours, the secretary shall provide a written report on the feasibility study to be delivered by certified mail to the cochairmen of the Joint Committee on Transportation, Highways, and Public Works including specific details of factors which contributed to the determination. Within forty-five days of receipt of the report, the joint committee may conduct a hearing to review the report. If at the hearing the committee finds the determination of the department unacceptable by a majority vote of the members, then such determination shall be sent to the governor and the department.

**C. When the department determines that a construction or maintenance project on a controlled access principal arterial interstate highway will have the potential of causing significant traffic delays or undue hardship to the public using such highway, advance signing shall be posted on the right of way of such highway at a location in advance of the last exit prior to the traffic buildup in order to allow the operator of a vehicle to exit the highway and avoid such buildup. Such signing shall indicate that there is traffic congestion ahead and such exit is the last opportunity for exiting the highway before such congestion.**

On motion of Senator Dardenne, the committee amendment was adopted. The amended bill was read by title and ordered reengrossed and passed to a third reading.

#### SENATE BILL NO. 349— BY SENATOR HOLDEN

##### AN ACT

To enact R.S. 49:308(E)(2)(g), relative to the deposit of state funds; to exempt the Louisiana Community and Technical College System from the requirement of depositing all funds into the state treasury; and to provide for related matters.

Reported with amendments by the Committee on Finance.

#### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Original Senate Bill No. 349 by Senator Holden

##### AMENDMENT NO. 1

On page 1, line 2, change "enact" to "amend and reenact" and change "(g)" to "(d) and (e)"

##### AMENDMENT NO. 2

On page 1, line 3, before "Louisiana" insert "Board of Supervisors of the" and after "System" insert "and its institutions"

##### AMENDMENT NO. 3

On page 1, line 4, after "treasury," insert "to make technical changes relative to certain exempt postsecondary entities;"

##### AMENDMENT NO. 4

On page 1, line 7, change "(g) is hereby enacted" to "(d) and (e) are hereby amended and reenacted"

##### AMENDMENT NO. 5

On page 1, delete line 14, and insert in lieu thereof the following:

"(d) The Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, the Board of Supervisors of Southern University and Agricultural and Mechanical College, the ~~Board of Trustees for State Colleges and Universities~~ **Board of Supervisors of the University of Louisiana System**, and the colleges and universities supervised and managed by each.

(e) ~~Any public vocational technical school or institute but only as to funds received by such school or institute pursuant to R.S. 27:93. The Board of Supervisors of the Louisiana Community and Technical College System, and the community and technical colleges supervised and managed by such board.~~

On motion of Senator Dardenne, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

#### SENATE BILL NO. 385— BY SENATOR SCHEDLER

##### AN ACT

To amend and reenact R.S. 40:40(3) and repeal R.S. 40:40(7), relative to fees for certified copies of vital records; to provide for an increase in the fee for the issuance of a death certificate; to repeal the fee for the issuance of a burial permit; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

#### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 385 by Senator Schedler

##### AMENDMENT NO. 1

On page 1 line 2 after "reenact" insert " R.S. 40:35" and after "R.S. 40:40(3)" insert ", R.S. 40:52, and R.S. 40:54"

##### AMENDMENT NO. 2

On page 1, line 4 after "issuance of" delete "a" and insert "an initial" and after "certificate" insert "issued to a funeral director; to provide for burial transit permits for bodies to be cremated or removed from the state; to provide for the prerequisites for such a certificate; to provide relative to failure to complete medical certification; to provide for prerequisites for permits"

##### AMENDMENT NO. 3

On page 1, line 7 after "Section 1." insert "R.S. 40:35," and after "R.S. 40:40(3)" delete "and is" and insert ", R.S. 40:52 and R.S. 40:54 are"

##### AMENDMENT NO. 4

On page 1, between lines 8 and 9 insert

"§35. Failure to complete medical certification

**★ If the medical certificate certification portion of the death certificate contains containing too many indefinite or unsatisfactory terms, as determined by the state registrar, denoting only symptoms of disease or conditions resulting from disease and the like, is insufficient for the issuance of a burial or removal permit. Any such certificate shall be returned for correction to the person making it and no certified copies shall be issued until completed properly: the state registrar may require that the certificate be returned for completion and no certified copy of the death certificate shall be issued.**

\* \* \*

##### AMENDMENT NO. 5

On page 1, line 13 after "issuance of" delete "a regular" and insert "an initial"

##### AMENDMENT NO. 6

On page 1, line 14 after "death certificate" insert

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**"sold to funeral directors, and a fee of seven dollars for all subsequent issuances of the same death certificate"**

## AMENDMENT NO. 7

On page 1, below line 15, insert

"§52. Permit for removal, burial, or other disposition of body; **for a death in state; requirements to obtain death certificate before removing body cremation or removing body out of the continental United States.**

When a death or spontaneous fetal death (stillbirth) occurs in this state or when a dead human body is found, the deceased, stillborn child, or dead human body shall not be interred, deposited in a vault or **tomb, removed from the state, cremated,** or otherwise disposed of until a **burial transit permit for burial, removal, or other disposition** has been issued by a local registrar. However, ~~the a~~ dead human body shall not be removed from the state **cremated or removed from the continental United States until a burial transit permit has been issued and a** the death certificate has been completed by the parish coroner or a physician as required in R.S. 40:34(2)(r).

\* \* \*

§54. Prerequisites for permit

~~No A permit may be issued for burial within the state, for interment in a vault or tomb, for removal from the state, for scientific use, cremation, removal, or other disposition without the necessity of a completed death certificate. However, no permit for the disposition by cremation or removal from the continental United States shall be issued by a local registrar until a certificate of death or stillbirth, has been completed by the parish coroner or a physician as required in R.S. 40:34(2)(r), as far as it can be completed under the circumstances of the case, and has been filed with him; the local registrar. No permit may be issued unless and until all the regulations of the Department of Health and Hospitals in respect to the issuance of the permit have been complied with. No permit shall be issued which would be contrary to the sanitary laws of the state.~~

\* \* \*

On motion of Senator Hines, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

## **SENATE BILL NO. 388—**

BY SENATORS SCHEDLER, BAJOE AND C. JONES

### **AN ACT**

To enact R.S. 46:153.3(C), relative to medical vendor reimbursements; to prohibit restrictions on the prescribing of atypical antipsychotic drugs for Louisiana Medicaid recipients; to prohibit restrictions of prescription drugs for those Medicaid recipients who are diagnosed with HIV/AIDS; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

### **SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 388 by Senator Schedler

#### AMENDMENT NO. 1

On page 1, line 2 after "46:153.3" delete "D)(5)(e)" and insert "(C)"

#### AMENDMENT NO. 2

On page 1, line 8 after "46:153.3" delete "D)(5)(e)" and insert "(C)"

#### AMENDMENT NO. 3

On page 1, lines 13 through 15 and delete all of page 2 and on page 3 delete line 1, and insert the following:

**"R.S. 46:153.3(C) is all proposed new law.**

C.(1) The department shall not establish any limits on, or restrict by any prior authorization, any prescription drug, laboratory, or diagnostic test as prescribed and determined by a physician or other health care provider licensed by the state to be medically necessary for the treatment and prevention of HIV/AIDS, hepatitis C and schizophrenia.

(2) Prescription drugs excluded from any formulary limits or restrictions shall include the following:

(a) Anti-retroviral medications, including but not limited to protease inhibitors, non-nucleoside reverse transcriptase inhibitors, nucleoside reverse transcriptase inhibitors, anti-virals, and fusion inhibitors.

(b) All medications prescribed for the treatment of hepatitis C for a person diagnosed with this disease.

(d) Atypical antipsychotic medications prescribed for the treatment of schizophrenia for a person diagnosed with this disease.

(3) The committee shall make all exemptions and exclusions from formulary limitations identified in Paragraphs (1) and (2) of this Subsection applicable to agencies, departments, and programs under its jurisdiction.

\* \* \*

On motion of Senator Hines, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

## **SENATE BILL NO. 427—**

BY SENATOR BOISSIERE

### **AN ACT**

To amend and reenact R.S. 11:822(E), relative to Teachers' Retirement System of Louisiana; to provide with respect to election procedures; to provide an effective date; and to provide for related matters.

Reported favorably by the Committee on Retirement. On motion of Senator Gautreaux, the bill was read by title, ordered engrossed, and passed to a third reading.

## **SENATE BILL NO. 428—**

BY SENATOR BOISSIERE

### **AN ACT**

To amend and reenact R.S. 11:892, relative to the Teachers' Retirement System of Louisiana; to provide with respect to contribution limits; to provide an effective date; and to provide for related matters.

Reported with amendments by the Committee on Retirement.

### **SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Retirement to Original Senate Bill No. 428 by Senator Boissiere

#### AMENDMENT NO. 1

On page 1, line 12, after "percent," delete "of his average compensation"

On motion of Senator Gautreaux, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

## **SENATE BILL NO. 635—**

BY SENATOR BOISSIERE

### **AN ACT**

To repeal R.S. 11:942.1 through 942.9, relative to the Teachers' Retirement System of Louisiana; to repeal the alternative contribution plan; to provide an effective date; and to provide for related matters.

Reported favorably by the Committee on Retirement. On motion of Senator Gautreaux, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 703—**

BY SENATOR SCHEDLER

## AN ACT

To amend and reenact R.S. 37:3051(2), 3061(A)(1)(a) and the introductory paragraph of (b), 3062(A), and 3077(C)(2) and to enact R.S. 37:3061(A)(1)(d) and 3062(F), relative to the State Board of Electrolysis Examiners; to provide for membership and terms of office of the board; to provide for the domicile of the board; to provide requirements for licensed instructors; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 703 by Senator Schedler

AMENDMENT NO. 1

On page 2, line 1 after "**Rouge**" insert "**, such domicile to be as of July 1, 2004**"

AMENDMENT NO. 2

On page 2, line 8 between "**two**" and "**terms**" insert "**consecutive**"

AMENDMENT NO. 3

On page 4, line 2 delete "at least one" and insert "two"

AMENDMENT NO. 4

On page 4, lines 3 and 4 after "skills," insert "one hundred hours of facilitating/managing skills,"

AMENDMENT NO. 5

On page 4, line 6, change "one" to "**two**"

AMENDMENT NO. 6

On page 4, line 11, change "one" to "**two**"

On motion of Senator Hines, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 722—**

BY SENATOR HAINKEL

## AN ACT

To amend and reenact R.S. 11:103(B)(3)(e)(i), relative to the Firefighters' Retirement System of Louisiana; to provide for the determination of the employer contribution rate; to change the period for amortization of actuarial gains and losses from fifteen years to thirty years; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Retirement.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Retirement to Original Senate Bill No. 722 by Senator Hainkel

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 11:103(B)(3)(e)(i)" insert "and to enact R.S. 11:103(D)"

AMENDMENT NO. 2

On page 1, line 5, after "to thirty years;" insert " to provide with respect to valuation of all outstanding amortization bases in existence on June 30, 2002, exclusive of merger bases;"

AMENDMENT NO. 3

On page 1, line 9, after "amended and reenacted" insert "and R.S. 11:103(D) is hereby enacted"

AMENDMENT NO. 4

On page 2, between lines 24 and 25 insert the following:

**"R.S. 11:103(D) is all proposed new law."**

D. For the Firefighters' Retirement System of Louisiana, effective with the June 30, 2002 valuation, all outstanding amortization bases in existence on June 30, 2002, exclusive of merger bases shall be combined, offset and reamortized over the period ending June 30, 2029 with level dollar payments. This Subsection shall not apply to amortization bases established after June 30, 2002."

On motion of Senator Gautreaux, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 723—**

BY SENATOR HAINKEL

## AN ACT

To amend and reenact R.S. 11:2260(A)(2)(introductory paragraph) and (a)(introductory paragraph), (c), and (d) and (6) and to enact R.S. 11:2260(A)(2)(g) and (h), relative to the Firefighters' Retirement System of Louisiana; to provide for the membership of the board of trustees; to provide quorum requirements; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Retirement.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Retirement to Original Senate Bill No. 723 by Senator Hainkel.

AMENDMENT NO. 1

On page 2, line 2, change "**eleven**" to "**ten**"

AMENDMENT NO. 2

On page 2, delete lines 13 through 20.

On motion of Senator Gautreaux, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 949—**

BY SENATOR SCHEDLER

## AN ACT

To amend and reenact R.S. 9:1426 and Civil Code Arts. 571, 573 and 1514 and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 949 by Senator Schedler

AMENDMENT NO. 1

On page 1, line 2, delete "R.S. 9:1426 and" and delete "571,"

AMENDMENT NO. 2

On page 1, at the end of line 2, after "1514" insert ", to enact R.S. 9:1202, and to repeal Code of Civil Procedure Art. 3154.1, relative to security for a surviving spouse; to provide for forms of security for legal usufruct of a surviving spouse; to provide for dispensation of security of a surviving spouse;"

### AMENDMENT NO. 3

On page 1, delete lines 5 through 15, and insert the following:

"Section 1. R.S. 9:1202 is hereby enacted to read as follows:

§1202. Form of security for legal usufruct of surviving spouse

#### **R.S. 9:1202 is all proposed new law.**

If security is owed to the naked owner by the usufructuary who is the surviving spouse, the court may order the execution of notes, mortgages, or other documents as it deems necessary, or may impose a mortgage or lien on either community or separate property, movable or immovable, as security."

### AMENDMENT NO. 4

On page 2, delete lines 1 through 11

### AMENDMENT NO. 5

On page 2, line 12, delete "571," and delete lines 14 through 23

### AMENDMENT NO. 6

On page 2, delete lines 25 through 27, and insert the following:

"A. Security may be dispensed with by the grantor of the usufruct, except as provided for the testamentary usufruct of a surviving spouse, or by operation of law.

B. Sellers or donors of property under reservation of usufruct are not required to give security.

C. Legal usufructuaries are not required to give security, except for the surviving spouse upon request of a naked owner who is not the child of the usufructuary."

### AMENDMENT NO. 7

On page 3, delete lines 1 through 4

### AMENDMENT NO. 8

On page 3, after line 14, insert the following:

"Section 3. Civil Code of Procedure Art. 3154.1 is hereby repealed.

Section 4. The Louisiana State Law Institute is requested to write comments to all changes made by this Act."

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

### **SENATE BILL NO. 957—**

BY SENATORS CRAVINS, BAJOE, C. JONES, LENTINI, MICHOT, MOUNT, BOISSIERE, HOLLIS, CHAISSON, FIELDS, HOLDEN, IRONS, B. JONES, MARIONNEAU, SCHEDLER, TARVER AND THOMAS AND REPRESENTATIVES LANDRIEU, HUNTER, MARTINY, WINSTON, ALARIO, ANSARDI, ARNOLD, BALDONE, BAUDOIN, BAYLOR, BROOME, BRUCE, CAPELLA, K. CARTER, CROWE, DAMICO, DANIEL, DARTZ, DOERGE, DOWNER, DOWNS, FAUCHEUX, FRITH, GALLOT, GLOVER, GREEN, GUILLORY, HEATON, HEBERT, HILL, HONEY, HUDSON, ILES, L. JACKSON, JOHNS, KENNARD, LAFLEUR, LUCAS, MORRELL, MORRISH, MURRAY, NEVERS, ODINET, PEYCHAUD, PIERRE, PITRE, POWELL, QUEZAIRE, RICHMOND, ROMERO, SCHWEGMANN, JACK SMITH, SNEED, STELLY, STRAIN, TOOMY, TOWNSEND AND WELCH

#### **AN ACT**

To amend and reenact R.S. 15:901(D)(1), 906(A), and 908(A), and R.S. 46:2601(A)(1), 2603(A) and (B)(2), and 2604 and Children's Code Articles 801, 810, 897(A)(introductory paragraph), (B)(1)(c), (C)(introductory paragraph), (D), and (E), 897.1, 898(B) and (C)(2) and (4), and 909, to enact Part XI-A of Chapter 7 of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:1110, Chapter 14 of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:1461 through 1464, Subpart C-1 of Part III of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:251 and 252, Chapter 11 of Title 24 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 24:671 through 673, Part I of Chapter 45 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2600, R.S. 46:2605.1, 2605.2, 2605.3 and 2605.4, and Part III of Chapter 45 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2608 through 2611, to

designate Part II of Chapter 45, comprising R.S. 46:2601 through 2606 as "Part II. Children's Cabinet, Children's Budget, and Affiliated Boards", and to repeal R.S. 15:906(B), R.S. 46:2607, and Children's Code Article 901(E), all relative to the reform of juvenile justice; to create the Juvenile Justice Reform Act of 2003; to establish juvenile detention standards and licensing procedures; to establish interagency agreements for sharing of juvenile information; to create the Joint Legislative Juvenile Justice Policy Priority Committee, including a plan for the recommendation of a Department of Children, Youth, and Families; to create the Education/Juvenile Justice Partnership Act; to continue beyond August 15, 2003, the Children's Cabinet; to provide definitions for certain provisions governing the Children's Cabinet; to provide with respect to the powers and duties of the Children's Cabinet; to provide with respect to the preparation of the children's budget; to create the Children's Cabinet Research Council; to create the Louisiana Juvenile Justice Planning and Coordination Board; to create nine regional juvenile justice planning and coordination advisory boards; to provide for the standardization of service regions; to create the Louisiana Children's Children, Youth, and Families Investment Fund, to create the Community-based Sanctions and Services Grant Program; to provide with respect to waiver of counsel for children; to provide with respect to disposition after adjudication of certain felony-grade delinquent acts; and to provide for related matters.

Reported with amendments by the Committee on Finance.

### **SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Finance to Engrossed Senate Bill No. 957 by Senator Cravins, et al.

### AMENDMENT NO. 1

On page 1, delete lines 2 through 15 and insert in lieu thereof the following:

"To amend and reenact R.S. 46:2601(A)(1) and 2603(A) and (B)(2), to enact Chapter 11 of Title 24 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 24:671 through 673, Part I of Chapter 45 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2600, and R.S. 46:2605.1, 2605.2, 2605.3, and 2605.4,"

### AMENDMENT NO. 2

On page 2, delete lines 1 through 12 and insert in lieu thereof the following: "to designate Part II of Chapter 45, comprising R.S. 46:2601 through 2606 as "Part II. Children's Cabinet, Children's Budget, and Affiliated Boards", all relative to juvenile justice; to create the Joint Legislative Juvenile Justice Policy Priority Committee, including a plan for the recommendation of a Department of Children, Youth, and Families; to continue beyond August 15, 2003, the"

### AMENDMENT NO. 3

On page 2, delete lines 20 through 24 and insert "service regions; and to provide for"

### AMENDMENT NO. 4

Delete pages 3 through 13 in their entirety

### AMENDMENT NO. 5

On page 14, delete lines 1 through 14 and insert in lieu thereof the following:

"Section 1. Chapter 11 of Title 24 of the Louisiana Revised Statutes of 1950, comprised of R.S. 24:671 through 673, is hereby enacted to read as follows:"

### AMENDMENT NO. 6

On page 17, delete lines 3 through 8 and insert in lieu thereof the following:

"Section 2. R.S. 46:2601(A)(1) and 2603(A) and (B)(2) are hereby amended and reenacted and Part I of Chapter 45 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2600, and R.S. 46:2605.1, 2605.2, 2605.3, and 2605.4, and Part II of Chapter 45, comprised of R.S. 46:2601"

AMENDMENT NO. 7

On page 20, line 7, change "2003," to "2004,"

AMENDMENT NO. 8

On page 20, line 12, change "2004," to "2005,"

AMENDMENT NO. 9

On page 20, at the beginning of lines 14 and 19, change "Provide" to "Develop a plan providing"

AMENDMENT NO. 10

On page 21, at the beginning of line 3 change "Allow" to "Develop a plan allowing"

AMENDMENT NO. 11

On page 21, at the beginning of lines 7, and 17 change "Provide" to "Develop a plan providing"

AMENDMENT NO. 12

On page 21, at the beginning of line 23, change "Require" to "Develop a plan requiring"

AMENDMENT NO. 13

On page 22, at the beginning of line 1, change "Allow" to "Develop a plan allowing"

AMENDMENT NO. 14

On page 22, at the beginning of line 4, change "Ensure" to "Develop a plan ensuring"

AMENDMENT NO. 15

On page 22, at the beginning of line 6, change "Provide" to "Develop a plan providing"

AMENDMENT NO. 16

On page 22, between lines 7 and 8 insert the following:

"(j) Nothing in this Section shall require the appropriation of any additional funds this fiscal year.

AMENDMENT NO. 17

On page 22, line 10, after "Committee" delete the remainder of the line and line 11 and insert in lieu thereof "to develop a plan to include multi-year phasing, sources of revenue and other use of resources affecting foster care, to be submitted no later than June 30, 2004, and without requiring any additional appropriation of funds this fiscal year, which plan shall include, but not be limited to the following:"

AMENDMENT NO. 18

On page 24, delete lines 20 through 26

AMENDMENT NO. 19

Delete pages 25 through 27 in their entirety

AMENDMENT NO. 20

On page 28, delete lines 1 through 5 in their entirety

AMENDMENT NO. 22

On page 29, at the end of line 14, after "compensation" delete the period "." and insert "and without reimbursement of expenses from the state."

AMENDMENT NO. 23

On page 33, at the end of line 13, after "compensation" delete "or" and insert in lieu thereof a comma ","

AMENDMENT NO. 25

On page 33, line 14, after "travel reimbursements" delete the period "." and insert in lieu thereof ",and without reimbursement of expenses from the state."

AMENDMENT NO. 26

On page 36, line 17, after "additional compensation" delete the period "." and insert "or without reimbursement of expenses from the state."

AMENDMENT NO. 27

On page 38, delete lines 22 through 26 in their entirety

AMENDMENT NO. 28

Delete pages 39 through 49 in their entirety and on page 50, delete lines 1 through 15 in their entirety

On motion of Senator Dardenne, the committee amendment was adopted. The amended bill was read by title and ordered reengrossed and passed to a third reading.

**SENATE BILL NO. 963—**

BY SENATORS CRAVINS, MICHOT, AND IRONS AND REPRESENTATIVES K. CARTER, GLOVER, GUILLORY, M. JACKSON AND MORRELL

**AN ACT**

To enact R.S. 15:902.2, relative to juvenile institutions; to provide for the closure of Swanson Correctional Center for Youth-Madison Parish Unit; to require the Department of Public Safety and Corrections to develop a plan for closure of the facility and placement of the youth confined at the facility; to provide for related matters.

Reported with amendments by the Committee on Finance.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Finance to Engrossed Senate Bill No. 963 by Senator Cravins, et al.

AMENDMENT NO. 1

On page 1, line 6, after "facility;" and before "to provide" insert "to provide for an effective date;"

AMENDMENT NO. 2

On page 3, after line 2, insert the following:

"Section 2. This Act shall become effective July 1, 2003, or if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval."

On motion of Senator Dardenne, the committee amendment was adopted. The amended bill was read by title and ordered reengrossed and passed to a third reading.

**SENATE BILL NO. 975—**

BY SENATOR DARDENNE

**AN ACT**

To amend and reenact R.S. 9:355.1(2), relative to child custody; to provide for parents with equal or shared custody; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 975 by Senator Dardenne

AMENDMENT NO. 1

# Page 14 SENATE

May 13, 2003

## 22nd DAY'S PROCEEDINGS

On page 1, line 2, after "9:355.1(2)," insert "9:355.3(B) and (C), 9:355.7 and 9:355.8(A), and enact R.S. 9:355.4(B)(7)."

### AMENDMENT NO. 2

On page 1, line 2, after "custody;" insert "to provide requirements for parents prior to relocation of child; to provide for a time period in which a parent may object to the relocation of child;"

### AMENDMENT NO. 3

On page 1, delete lines 5 and 6, and insert the following:  
"Section 1. R.S. 9:355.1(2), 9:355.3(B) and (C), 9:355.7 and 9:355.8(A) are hereby amended and reenacted and R.S. 9:355.4(B)(7) is hereby enacted to read as follows:"

### AMENDMENT NO. 4

On page 1, delete lines 10 through 13, and insert the following:

"(2) ~~"Parent entitled to primary custody" means a parent designated by a court order as the sole custodian or primary or domiciliary custodian within a joint custody arrangement.~~ (2) "Parent entitled to primary custody" means a parent designated by a court order as the sole or primary custodian or domiciliary parent within a joint custody arrangement, but does not include a parent who has equal physical custody."

### AMENDMENT NO. 5

On page 1, after line 14, insert the following:

"§355.3. Notice of proposed relocation of child to other parent

\* \* \*

B. If both parents have equal physical custody of a child, a parent shall notify the other parent of a proposed relocation of the child's principal residence as required by R.S. 9:355.4, **but before relocation shall obtain either court authorization to relocate, after a contradictory hearing, or the written consent of the other parent prior to any relocation.**

C. In the absence of a court order or express written agreement conferred by the parties which designates the principal residence of a child, a parent **entitled to primary custody of a child** shall notify the other parent of a proposed relocation of the child's principal residence as required by R.S. 9:355.4.

§355.4. Mailing notice of proposed relocation address

\* \* \*

B. The following information, if available, shall be included with the notice of intended relocation of the child:

\* \* \*

### **R.S. 9:355.4(B)(7) is all proposed new law.**

(7) A statement informing the other parent that an objection to the proposed relocation shall be filed within thirty days of receipt of the notice and that the other parent should seek legal advice immediately.

\* \* \*

§355.7. Failure to object to notice of proposed relocation

**A parent entitled to primary custody** ~~The primary custodian of a child or a parent who has equal physical custody~~ may relocate the principal residence of a child after providing notice as provided by R.S. 9:355.3 and 355.4, unless the parent entitled to notice initiates a proceeding seeking a temporary or permanent order to prevent the relocation within ~~twenty~~ **thirty** days after the receipt of the notice.

§355.8. Objection to relocation of child

~~A parent must initiate a summary proceeding objecting to a proposed relocation of the principal residence of a child within twenty days after receipt of notice and seek a temporary or permanent order to prevent the relocation.~~ **Except for a parent with equal physical custody, the parent who has been notified of a proposed relocation of the child's principal residence shall initiate a summary proceeding objecting to the proposed relocation within thirty days after receipt of notice to seek a temporary or permanent order to prevent the relocation. A parent with equal physical custody who desires to relocate shall comply with R.S. 9:355.3(B).**

\* \* \*

Section 2. Provision of Section 1 of this Act shall be effective on August 15, 2003. The provisions of Section 1 of this Act shall not apply to any case that is being litigated or appealed in or to any court of this state wherein the custody of a child is a issue due to the relocation of a party on the effective date of this Act; however, any subsequent relocation by a party after final disposition of such litigation pending on the effective date of this Act shall be governed by the provisions of Section 1 of this Act."

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

### **SENATE BILL NO. 986—**

BY SENATOR IRONS

#### AN ACT

To enact R.S. 11:3385.1(L), relative to the Firefighters' Pension and Relief Fund in the city of New Orleans; to authorize eligible members to elect to participate in the Deferred Retirement Option Plan on a retroactive basis and receive a lump sum benefit of up to five years based upon the value of the pension at the retroactive date selected; and to provide for related matters.

Reported with amendments by the Committee on Retirement.

### **SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Retirement to Original Senate Bill No. 986 by Senator Irons

### AMENDMENT NO. 1

On page 1, line 6, after "retroactive date selected;" insert "to provide for an effective date;"

### AMENDMENT NO. 2

On page 2, after line 7 insert the following:

"Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval."

On motion of Senator Gautreaux, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

### **SENATE BILL NO. 1059—**

BY SENATOR MCPHERSON

#### AN ACT

To enact Part V-A of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 49:115, relative to the settlement of claims by the state; to provide for submission to and approval by the legislature of certain claims in which the state has an interest; and to provide for related matters.

Reported with amendments by the Committee on Finance.

### **SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Finance to Original Senate Bill No. 1059 by Senator McPherson

### AMENDMENT NO. 1

On page 2, line 3, after "amount of" and before "five" insert "two million"

On motion of Senator Dardenne, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 1063—**

BY SENATORS CHAISSON, DUPRE, GAUTREAUX, LAMBERT  
MARIONEUX AND FONTENOT (BY REQUEST)

**AN ACT**

To amend and reenact R.S. 13:312(1)(b) and 312.1, and to repeal R.S. 13:312.2, relative to court of appeal judges; to provide relative to the number of judges authorized for the First Circuit Court of Appeal; to create and provide for an additional division in the first district in the first circuit; to divide the first district of the Court of Appeal for the First Circuit into geographical election sections for the purpose of qualification and election in certain districts; to provide for the election and term of office for such judge; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 1063 by Senator Chaisson

**AMENDMENT NO. 1**

On page 2, line 10, after "parishes of" insert "Ascension, Assumption, West Baton Rouge, Iberville, Pointe Coupee,"

**AMENDMENT NO. 2**

On page 3, at the end of line 2, change "The" to "**The**"

**AMENDMENT NO. 3**

On page 3, line 15, after "elected" insert "at large"

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 1097—**

BY SENATOR DARDENNE

**AN ACT**

To amend and reenact R.S. 11:721.1(B) and to enact R.S. 11:701(33)(a)(xi), relative to the Teachers' Retirement System of Louisiana; to provide with respect to option to participate in the system; to provide with respect to the definition of "Teacher"; to include the director and staff of the Louisiana Resource Center for Educators within the definition of teacher; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Retirement.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Retirement to Original Senate Bill No. 1097 by Senator Dardenne

**AMENDMENT NO. 1**

On page 2, between lines 12 and 13, insert the following: "As used in this Chapter, the following words and phrases have the meaning ascribed to them in this Section unless a different meaning is plainly required by the context:"

On motion of Senator Gautreaux, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 1098—**

BY SENATOR DARDENNE

**AN ACT**

To enact R.S. 13:587.3, relative to the Nineteenth Judicial District Court; to authorize the judges by court rule to assign matters to be heard by specified divisions; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. On motion of Senator Ellington, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 1115—**

BY SENATOR ELLINGTON

**AN ACT**

To amend and reenact R.S. 47:1856(E) and (F)(1)(a)(i) and 1857(B)(2) and to repeal Section 2 of Act No. 1149 of the 2001 Regular Session of the Legislature, relative to ad valorem property taxes paid under protest; to provide with regard to credits and refunds of ad valorem property taxes; to provide with regard to the use of certain tax funds; to provide for a special effective date and the application of the Act to certain payment; and to provide for related matters.

Reported with amendments by the Committee on Revenue and Fiscal Affairs.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Original Senate Bill No. 1115 by Senator Ellington

**AMENDMENT NO. 1**

On page 1, at the end of the line 2, delete "to" and on line 3, delete "repeal"

**AMENDMENT NO. 2**

On page 3, delete lines 10 and 11, and insert:

"Section 2. Section 2 of Act 1149 of the 2001 Regular Session of the Legislature is hereby amended and reenacted to read as follows:

"Section 2. The provisions of this Act shall be effective until ~~July 1, 2003~~ **July 1, 2005**; however, the provisions of this Act shall not apply to payments under protest made prior to July 1, 2001."

On motion of Senator Barham, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 1119—**

BY SENATOR SCHEDLER

**AN ACT**

To amend and reenact Sections 2 and 3 and to enact Section 1(C), Section 1.1, and Section 2.1 of Act No. 180 of the 1984 Regular Session of the Legislature, as amended by Act No. 999 of the 1991 Regular Session of the Legislature, Act No. 570 of the 1992 Regular Session of the Legislature, and Act No. 440 of the 1997 Regular Session of the Legislature, relative to the St. Tammany Parish Hospital Service Districts No. 1 and 2; to abolish the current board of commissioners for St. Tammany Parish Hospital Service District No. 2 and to provide for the appointment of a new board; to provide for a nominating committee to nominate candidates to the appointing authorities; to provide for the qualifications for members of the board of commissioners of the St. Tammany Parish Hospital Service District No. 2; to provide for terms of office for the nominating committee and the board of commissioners; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 1119 by Senator Schedler

#### AMENDMENT NO. 1

On page 1, line 3, delete "and" and after "2.1" insert ", and Section 9"

#### AMENDMENT NO. 2

On page 1, line 15, between "commissioners;" and "and to" insert "to provide for authority to levy a sales and use tax;"

#### AMENDMENT NO. 3

On page 3, line 3, between "terms" and the period (.) insert ", except for the current chief of the medical staff who shall serve in accordance with his term as chief of staff"

#### AMENDMENT NO. 4

On page 3, line 5 delete "Three" and insert "Two"

#### AMENDMENT NO. 5

On page 5, line 21 delete "allied" and after "experience" insert "in the previous ten years"

#### AMENDMENT NO. 6

On page 6, line 26 delete "president" and insert "chief"

#### AMENDMENT NO. 7

On page 12, line 23 after "**commissioners**" insert "**except those positions to be named by the Slidell Memorial Hospital medical staff**"

#### AMENDMENT NO. 8

On page 16, line 6 delete "**two-thirds**" and insert "**majority**"

#### AMENDMENT NO. 9

On page 16, line 13 delete "**two-thirds**" and insert "**majority**"

#### AMENDMENT NO. 10

On page 16, between lines 20 and 21 insert:

"Section 9. District tax; collection and allocation of proceeds thereof

**A.** For the purpose of providing revenue to carry out the objects contemplated hereby, each commission may levy and collect annually a special tax not to exceed five mills on all property in the district subject to such tax in accordance with Article VI, Section 32 of the Louisiana Constitution, subject to approval by a majority of the electors of the district voting at an election called by the commission and held for that purpose. The tax shall be collected in the same manner as other special taxes. The avails of any such tax shall be used solely for acquisition, construction, improvement, maintenance, and operation of health care facilities or improvements.

#### **Section 9(B) is all proposed new law.**

B. St. Tammany Parish Hospital Service District No. 2 is hereby authorized to levy and collect a sales and use tax not exceeding one-half of one percent within the boundaries of the district.

(1) The sales tax so levied shall be imposed by an ordinance and shall be levied upon the sale at retail, the use, the lease or rental, the consumption, and storage for use or consumption and on sales of services in the district, all as presently defined in R.S. 47:301 through R.S. 47:317, inclusive, however, the ordinance imposing said tax shall be adopted by the board of commissioners only after the question of the imposition of such tax shall have been submitted to the qualified electors of the district at an election to be conducted in accordance with Chapter 6-A of Title 18 of the Louisiana Revised Statutes of 1950, and a majority of those voting in said election shall have voted in favor of the imposition of said tax.

(2) Except where inapplicable, the procedure established by R.S. 47:301 through R.S. 47:317, inclusive, shall be followed in the imposition, collection and enforcement of said tax, and procedural details necessary to be established to supplement the provisions of

those Sections and to make said provisions applicable to the tax herein authorized shall be fixed in the ordinance imposing the tax.

(3) The authority granted hereby is in addition to any other authority granted by other laws and is authorized in compliance with the provisions of Article VI, Section 29(B) of the Louisiana Constitution of 1974.

(4) This tax shall be imposed and collected uniformly throughout the district.

(5) The proceeds of the tax shall be used and expended solely for the lawful purpose or purposes set out in the proposition approved by the electors at the election authorizing said tax and the term or duration of the levy of said tax may be limited by the provisions of the proposition submitted at said election.

\* \* \*

On motion of Senator Hines, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

### **SENATE BILL NO. 1121—**

BY SENATOR DUPRE

#### **AN ACT**

To enact R.S. 47:2110.1 and to repeal Section 2, of Act No. 1149 of the 2001 Regular Session of the Legislature, relative to ad valorem property tax; to provide for a rule to determine undisputed tax; to provide for expedited procedures and burdens of proof; to provide for the continuance of certain provisions of ad valorem property tax law and the application of the law to certain payments; and to provide for related matters.

Reported with amendments by the Committee on Revenue and Fiscal Affairs.

### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Original Senate Bill No. 1121 by Senator Dupre

#### AMENDMENT NO. 1

On page 1, delete lines 1 through 15, and delete pages 2 through 5, and insert:

#### **"AN ACT**

To amend and reenact R.S. 47:1856(E) and Section 2 of Act No. 1149 of the 2001 Regular Session and to enact R.S. 47:2110(A)(2), relative to ad valorem property tax; to provide with respect to certain ad valorem taxes which are in dispute and payment of such taxes made under protest; to provide for notice in matters where the assessments of certain ad valorem taxes are in dispute and payment of such taxes is made under protest; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:1856(E) is hereby amended and reenacted and R.S. 47:2110(A)(2) is hereby enacted to read as follows:

"§1856. Notice of valuation, hearings, appeals

\* \* \*

E. Any company instituting suit under these provisions shall timely pay in full its taxes in the jurisdiction from which its tax bill emanates. ~~Any funds received as payment of taxes under the provisions of this Subsection shall be used only for non-recurring expenses except for any such funds pledged as security for any bonds or other evidences of indebtedness and for any such funds when the proposition approving the millage provides specifically for another intended purpose. The governing authority of any jurisdiction shall not use any such funds for nonrecurring expenses in a manner which will displace, replace, or supplant funds which were otherwise available for such nonrecurring expenses. and shall give written notice to the officer or officers designated for the collection of said taxes in the parish or parishes where the property is located, the assessor or assessors for the parish or district, or parishes or~~



districts, where the property is located and the chairman of the Louisiana Tax Commission of the amount of taxes paid that are in dispute.

\* \* \*  
§2110. Suits to recover taxes paid under protest

A.

\* \* \*  
(2)(i) Any person resisting the payment of any amount of tax due shall pay the amount due to the officer designated by law for the collection of such tax and shall give him, the parish or district assessor, and the Louisiana Tax Commission written notice at the time of payment of his intention to file suit for the recovery of such tax. Upon receipt of such notice, the amount so paid shall be segregated and held by the officer for a period of thirty days. If a suit is timely filed contesting the correctness of the assessment pursuant to R.S. 47:1998 and seeking the recovery of the tax, then that portion of the taxes paid that are in dispute shall be deemed as paid under protest and such amount shall be segregated and shall be further held pending the outcome of the suit. That portion of the taxes paid by the taxpayer to the officer which is neither in dispute nor the subject of a suit contesting the correctness pursuant to R.S. 47:1998, shall not be made subject to the protest.

(ii) The parish or district assessor, or the tax commission may have adjudicated or rule to show cause compelling a taxpayer who has paid taxes under protest to state with specificity the assessed valuation for taxation that the taxpayer deems to be correct and legal and the reasons therefor. The court shall then order the release of any monies that are not shown by the taxpayer to be in dispute.

\* \* \*  
Section 2. Section 2 of Act 1149 of the 2001 Regular Session of the Legislature is hereby amended and reenacted to read as follows: "Section 2. The provisions of this Act shall be effective until ~~July 1, 2003~~ **July 1, 2005**; however, the provisions of this Act shall not apply to payments under protest made prior to July 1, 2001."

#### AMENDMENT NO. 2

On page 6, delete lines 1 through 12, and on line 13, change "Section 4." to Section 3."

On motion of Senator Barham, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

#### SENATE BILL NO. 1126—

BY SENATOR LENTINI

AN ACT

To amend and reenact R.S. 51:2453(1)(a)(i)(cc), relative to the quality jobs program; to provide for the percentage of health insurance premium to be paid by the employer for certain employees in order to qualify under the "Louisiana Quality Jobs Program Act"; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. On motion of Senator Barham, the bill was read by title, ordered engrossed, and passed to a third reading.

### House Bills and Joint Resolutions on Second Reading Reported by Committees

The following House Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

#### HOUSE BILL NO. 1004—

BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 29:27(B)(introductory paragraph) and (1) and to repeal R.S. 17:157(C) and R.S. 47:820.5(A), relative to tolls on the Sunshine Bridge; to repeal the tolls on the Sunshine

Bridge; to repeal certain exemptions from the tolls on the Sunshine Bridge; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

#### HOUSE BILL NO. 1005—

BY REPRESENTATIVE SCHWEGMANN

AN ACT

To enact Subpart X of Part I of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:120.71, relative to state individual income tax checkoffs; to provide for a method for individuals to donate a portion of any refund due to the Louisiana Animal Welfare Commission; to provide for collection and disbursement of the donation by the Department of Revenue; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

#### HOUSE BILL NO. 1378—

BY REPRESENTATIVE MURRAY

AN ACT

To amend and reenact R.S. 39:100.1(C) and to enact R.S. 39:100.1(D) and R.S. 47:1602.1, relative to the Sports Facility Assistance Fund; to provide for the use of monies in the fund; to provide for the attribution of income taxes to the fund; to provide for penalties for failure of nonresident professional athletes and professional sports franchises to file income tax returns; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

#### HOUSE BILL NO. 1623—

BY REPRESENTATIVES LEBLANC, LANCASTER, MURRAY, FAUCHEUX, AND THOMPSON

AN ACT

To enact Chapter 8-B of Title 18 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 18:1400.21, relative to special treasury funds; to establish the Help Louisiana Vote Fund as a special fund in the state treasury; to establish accounts within the fund for certain purposes; to provide for deposit and use of monies in the fund; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Finance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

### Recess

On motion of Senator Lambert, the Senate took a recess until 1:30 o'clock P.M.

### After Recess

The Senate was called to order at 1:30 o'clock P.M. by the President of the Senate.

## ROLL CALL

The roll being called, the following members answered to their names:

### PRESENT

Mr. President	Fontenot	Malone
Adley	Gautreaux	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Jones, CD	Thomas
Ellington	Lambert	Ullo
Fields	Lentini	
Total—38		

### ABSENT

Bean  
Total—1

The President of the Senate announced there were 38 Senators present and a quorum.

## Senate Business Resumed

### Introduction of Senate Resolutions

Senator Lambert asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Resolutions a first and second time and acting upon them as follows:

#### SENATE RESOLUTION NO. 41— BY SENATOR JOHNSON

##### A RESOLUTION

To express the condolences of the Senate of the Legislature of Louisiana upon the death of Lamar Smith, Sr.

On motion of Senator C. Jones, the resolution was read by title and adopted.

### Special Order of the Day

The following Senate Bill on Third Reading and Final Passage, which was made Special Order of the Day No. 1, was taken up and acted upon as follows:

#### SENATE BILL NO. 989— BY SENATOR HINES

##### AN ACT

To amend and reenact R.S. 40:1299.39.1(A) and (I) and R.S. 40:1299.47(A) and (I), relative to the medical review panel; to provide that each request include specific and particularized allegations of malpractice as to each named defendant health care provider; to require that the claimant pay a filing fee per named defendant which shall be waived in certain conditions; to provide that failure to pay the required fee shall invalidate the request for a medical review panel; to provide for payment of the medical review panel costs; to provide for refund of the filing fee under certain conditions; and to provide for related matters.

On motion of Senator Hines, the bill was read by title and returned to the Calendar, subject to call.

## Senate Bills and Joint Resolutions Returned from the House of Representatives with Amendments

The following Senate Bills and Joint Resolutions returned from the House of Representatives with amendments were taken up and acted upon as follows:

### Senator Lambert in the Chair

#### SENATE BILL NO. 99—

BY SENATORS CAIN, FONTENOT, HOLLIS, HOYT AND MCPHERSON  
AN ACT

To amend and reenact R.S. 36:358(C), R.S. 38:3076(A)(introductory paragraph), and R.S. 49:968(B)(11), to enact R.S. 36:359(K) and 802.18, R.S. 38:3076(A)(24), 3087.136(4), and Chapter 13-A-1 of Title 38 of the Louisiana Revised Statutes of 1950, comprised of 3097.1 through 3097.6, and to repeal R.S. 36:4(X) and Chapter 13-C of Title 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:3099.1 through 3099.4, relative to ground water resources in the state of Louisiana; to provide for the powers, duties, functions, and responsibilities of the commissioner of conservation relative to ground water management; to create the Ground Water Resources Commission; to provide for the powers, duties, functions, and responsibilities of the commission; to provide for determination of critical ground water areas; to provide for preservation and management of ground water resources in critical ground water areas; to provide for duties of the Sparta Groundwater Conservation District and the Capital Area Groundwater Conservation District; to provide for registration for certain water wells; to provide for the Ground Water Management Task Force; and to provide for related matters.

The bill was read by title. Returned from the House of Representatives with the following amendments:

### LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed Senate Bill No. 99 by Senator Cain

#### AMENDMENT NO. 1

On page 7, line 7, following "R.S." and before ":3097.4" change "30" to "38"

#### AMENDMENT NO. 2

On page 16, line 9, following "shall" delete "only" and on line 10, following "rejected" and before "if" insert "only"

#### AMENDMENT NO. 3

On page 20, line 8, following "rule" and before "making" insert a hyphen "-"

Senator Cain moved to concur in the amendments proposed by the House.

## ROLL CALL

The roll was called with the following result:

### YEAS

Barham	Hines	Marionneaux
Cain	Holden	McPherson
Chaisson	Hollis	Michot
Dardenne	Hoyt	Mount
Dean	Jones, B	Smith
Dupre	Jones, CD	Theunissen
Fields	Lambert	Ullo

Gautreaux  
Heitmeier  
Total—25

Lentini  
Malone  
  
NAYS

Adley  
Total—1

ABSENT

Mr. President  
Bajoie  
Bean  
Boissiere  
Cravins  
Total—13

Ellington  
Fontenot  
Irons  
Johnson  
Romero  
  
Schedler  
Tarver  
Thomas

The Chair declared the amendments proposed by the House were concurred in. Senator Cain moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

#### SENATE BILL NO. 574—

BY SENATORS DARDENNE, SCHEDLER AND MOUNT AND REPRESENTATIVE MURRAY

#### AN ACT

To amend and reenact R.S. 46:231(5), 231(6), 231(8), and 231.1(A) and (B), 231.3(A) and (B), 231.5(A), 231.6(A)(2), (B), and (C)(1) and (4), 231.7(A), (B), (C), and (D), 231.8(A) and (B), 231.10, 231.11, 460.4(A), 460.5(B)(3)(b)(iii), 460.8(A), and 460.9(A), and to enact R.S. 46:230.1, 231(12), 231(13), and 231(14), and 231.6(D) and (E), and to repeal R.S. 46:231.12, and 460.4(B); relative to aid to needy families; to provide for legislative intent; to provide for definitions; to provide for certain required agreements; to provide for termination of eligibility; to provide for responsibilities of the Department of Social Services; to provide for responsibilities of the Louisiana Workforce Commission; to provide for evaluations and screenings; to provide for transition of programs; and to provide for related matters.

The bill was read by title. Returned from the House of Representatives with the following amendments:

#### HOUSE FLOOR AMENDMENTS

Amendments proposed by Representatives Murray and Winston to Reengrossed Senate Bill No. 574 by Senators Dardenne, et al

#### AMENDMENT NO. 1

On page 1, line 2, after "231(8)," and before "231.1(A)" delete "and"

#### AMENDMENT NO. 2

On page 1, line 15, after "231(8)," and before "231.1(A)" delete "and"

#### AMENDMENT NO. 3

On page 2, delete lines 21 through 26 in their entirety and insert the following:

"B. The Department of Social Services shall submit written reports on the status of implementation of these provisions to the Performance Review Subcommittee of the Joint Legislative Committee on the Budget in March, 2004 and September, 2004, and thereafter, annually at the same time as the mid-year performance progress report is submitted as provided in R.S. 39:87.3(A)(2). Such written reports shall include, but not be limited to, data providing performance measures assessing the success of performance-based agreements, job readiness, workplace literacy, job development services, and such additional data as may be determined by the committee.

C. An annual evaluation of the implementation of these provisions shall be conducted by a consultant selected in accordance with law who shall be paid out of funds appropriated for TANF evaluation. The annual evaluation shall be done on a sampling of

cases until the department's information technology system is developed to the extent that facilitates a comprehensive evaluation of the entire FITAP/STEP caseload at which time the annual evaluation shall be a comprehensive evaluation."

#### AMENDMENT NO. 4

On page 2, at the end of line 23, after "Performance" insert "Review"

#### AMENDMENT NO. 5

On page 4, at the beginning of line 26, change "A." to "A."

#### AMENDMENT NO. 6

On page 11, line 2, after "implement" and before "STEP" delete "the"

#### AMENDMENT NO. 7

On page 11, at the beginning of line 6, delete "the" and after "STEP" delete "program"

#### AMENDMENT NO. 8

On page 11, line 22, after "R.S." delete "46:231.12" and insert "46:231(14)"

#### AMENDMENT NO. 9

On page 12, line 5, after "(b)" and before "Immediate" insert "Requirements for" and at the end of line 6, delete "requirements"

#### AMENDMENT NO. 10

On page 12, line 9, after "enhancements" and before "and" insert a comma "," and at the end of line 10, delete "requirement"

#### AMENDMENT NO. 11

On page 12, line 11, after "(d)" and before "Participation" insert "Requirements for" and on line 13, delete "requirement"

#### AMENDMENT NO. 12

On page 12, line 16, after "Agreements" insert a comma ","

#### AMENDMENT NO. 13

On page 13, line 1, after "participant" change "to" to "for"

#### AMENDMENT NO. 14

On page 13, at the end of line 5, delete "due to" and insert "of"

#### AMENDMENT NO. 15

On page 13, at the beginning of line 7, delete "B." and insert "B(1)"

#### AMENDMENT NO. 16

On page 13, line 8, after "administer" delete "the" and after "STEP" delete "program"

#### AMENDMENT NO. 17

On page 13, line 20, delete "job readiness/job search" to "job readiness and job search"

#### AMENDMENT NO. 18

On page 14, at the beginning of line 7, delete "(1)" and insert "(2)"

#### AMENDMENT NO. 19

On page 15, at the beginning of line 2, delete "(2)" and insert "(3)"

#### AMENDMENT NO. 20

On page 19, line 7, after "STEP" delete "program"

#### AMENDMENT NO. 21

On page 20, line 24, after "barriers" insert a comma ","

#### AMENDMENT NO. 22

On page 21, line 18, after "developers" delete the comma ","

#### AMENDMENT NO. 23

On page 22, line 8, after "tax credit" insert a comma ","

AMENDMENT NO. 24

On page 22, line 21, after "barriers" insert a comma ","

AMENDMENT NO. 25

On page 23, delete lines 19 and 20 in their entirety and insert the following:

"B.

\* \* \*

(3) The department shall also take necessary steps, subject to state and federal law, to provide assistance beyond the state twenty-four months out of sixty months time limit:

\* \* \*

(b) In cases of hardship including circumstances where:

\* \* \*

Senator Dardenne moved to concur in the amendments proposed by the House.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Heitmeier	Malone
Barham	Hines	Marionneaux
Cain	Holden	McPherson
Chaisson	Hollis	Michot
Dardenne	Hoyt	Mount
Dean	Jones, B	Smith
Dupre	Jones, CD	Tarver
Fields	Lambert	Theunissen
Gautreaux	Lentini	Ullo
Total—27		

**NAYS**

Total—0

**ABSENT**

Mr. President	Cravins	Johnson
Bajoie	Ellington	Romero
Bean	Fontenot	Schedler
Boissiere	Irons	Thomas
Total—12		

The Chair declared the amendments proposed by the House were concurred in. Senator Dardenne moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

**SENATE BILL NO. 779—**  
BY SENATOR SMITH

**AN ACT**

To amend and reenact Part VI of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:551.1 through 551.11, and to enact R.S. 3:551, relative to eggs; to provide for the membership, powers, and duties of the Louisiana Egg Commission; to provide for assessments on the sale of eggs; to provide for the powers of the commissioner of agriculture and forestry; to provide for penalties; and to provide for related matters.

The bill was read by title. Returned from the House of Representatives with the following amendments:

**HOUSE FLOOR AMENDMENTS**

Conforming Amendments proposed by Representative Thompson to Reengrossed Senate Bill No. 779 by Senator Smith (Duplicate of H.B. No. 1669)

AMENDMENT NO. 1

On page 1, line 3, after "through" delete the remainder of the line and delete lines 4 through 7 in their entirety and insert the following: "551.12, relative to the production and sale of eggs in Louisiana; to provide relative to the composition of the Louisiana Egg Commission; to provide relative to the authority of the commission and the authority of the commissioner of agriculture and forestry to regulate the egg business; to provide relative to research on and marketing of eggs; to provide for fees and assessments; to provide relative to certain violations and penalties therefor; and"

AMENDMENT NO. 2

On page 1, line 11, change "551.11" to "551.12"

AMENDMENT NO. 3

On page 1, line 12, delete the comma "," after "reenacted" and delete "and R.S. 3:551 is hereby enacted"

AMENDMENT NO. 4

On page 1, line 14, change "\$551." to "\$551.1."

AMENDMENT NO. 5

On page 2, line 6, insert "and" after "promotion,"

AMENDMENT NO. 6

On page 2, line 7, insert a comma "," after "retailers"

AMENDMENT NO. 7

On page 2, at the beginning of line 9, insert "by" before "performing"

AMENDMENT NO. 8

On page 2, line 11, change "\$551.1." to "\$551.2."

AMENDMENT NO. 9

On page 2, line 12, insert "following" before "terms" and delete "defined in this Section"

AMENDMENT NO. 10

On page 2, line 13, delete "meanings herein given to them" and insert "following meanings,"

AMENDMENT NO. 11

On page 2, line 25, insert "Louisiana" after "the"

AMENDMENT NO. 12

On page 3, line 2, change "'Distributes'" to "Distribute"

AMENDMENT NO. 13

On page 3, line 10, insert a comma "," after "liquid"

AMENDMENT NO. 14

On page 3, line 11, insert a comma "," after "yolks"

AMENDMENT NO. 15

On page 3, line 18, insert a comma "," after "company"

AMENDMENT NO. 16

On page 3, line 24, change "\$551.2." to "\$551.3."

AMENDMENT NO. 17

On page 6, line 15, after "out the" delete the remainder of the line and delete line 16 in its entirety and insert "unexpired term."

AMENDMENT NO. 18

On page 6, line 25, after "meetings," insert "at a rate" and at the end of the line and the beginning of line 26, delete "the mileage rate for" and insert "that paid to"

AMENDMENT NO. 19

On page 7, line 7, insert a period "." after "cause" and delete "shown."

AMENDMENT NO. 20

On page 7, line 10, change "§551.3." to "§551.4."

AMENDMENT NO. 21

On page 8, line 2, change "§551.4." to "§551.5."

AMENDMENT NO. 22

On page 9, line 21, insert a comma "," after "retailer"

AMENDMENT NO. 23

On page 9, line 25, insert "agreements for" after "including"

AMENDMENT NO. 24

On page 10, line 26, insert a comma "," after "stored" and at the end of the line change "all" to "any"

AMENDMENT NO. 25

On page 11, delete line 1 in its entirety and insert "person who produces, processes, stores, holds, maintains, distributes, or sells"

AMENDMENT NO. 26

On page 11, line 10, insert a comma "," after "penalties"

AMENDMENT NO. 27

On page 11, at the beginning of line 11, insert a comma "," after "Part" and at the end of the line, delete the comma "," after "Part"

AMENDMENT NO. 28

On page 11, line 16, change "§551.5." to "§551.6."

AMENDMENT NO. 29

On page 12, at the end of line 10, change "offer" to "offering"

AMENDMENT NO. 30

On page 12, line 15, after "accordance with" insert "the Administrative Procedure Act and"

AMENDMENT NO. 31

On page 12, at the end of line 20, change the semicolon ";" to a period "."

AMENDMENT NO. 32

On page 12, at the end of line 22, change the semicolon ";" to a period "."

AMENDMENT NO. 33

On page 12, at the end of line 23, delete the semicolon ";" and "or" and insert a period "."

AMENDMENT NO. 34

On page 12, line 25, change "§551.6." to "§551.7."

AMENDMENT NO. 35

On page 13, at the end of line 7, delete "to equal" and insert "equal to"

AMENDMENT NO. 36

On page 13, line 24, delete the comma "," after "elsewhere"

AMENDMENT NO. 37

On page 14, line 22, delete the comma "," after "due" and on line 23, delete the comma after "liable"

AMENDMENT NO. 38

On page 15, line 3, change "§551.7." to "§551.8." and at the end of the line insert a semicolon ";" and "fees"

AMENDMENT NO. 39

On page 15, line 12, insert a comma "," after "distributes"

AMENDMENT NO. 40

On page 15, line 18, delete the comma "," after "information"

AMENDMENT NO. 41

On page 17, line 14, change "§551.8." to "§551.9." and delete "Sale; payment" and insert "Payment"

AMENDMENT NO. 42

On page 17, line 15, after "provided" delete "in" and insert "by"

AMENDMENT NO. 43

On page 18, line 2, change "§551.9." to "§551.10."

AMENDMENT NO. 44

On page 18, line 19, change "the Part." to "this Part."

AMENDMENT NO. 45

On page 19, line 15, insert a semicolon ";" after "eggs"

AMENDMENT NO. 46

On page 19, line 17, change "§551.10" to "§551.11."

AMENDMENT NO. 47

On page 20, line 3, insert "his" after "sells"

AMENDMENT NO. 48

On page 20, line 5, change "§551.11." to "§551.12."

AMENDMENT NO. 49

On page 20, line 16, delete the comma "," after "certificate" and insert "or" and delete the comma "," after "permit"

AMENDMENT NO. 50

On page 20, at the end of line 21, change "violations" to "violation"

AMENDMENT NO. 51

On page 21, line 4, delete "under the provisions of" and insert "pursuant to"

AMENDMENT NO. 52

On page 22, line 3, after "effective" delete the remainder the line and delete lines 4 through 6 in their entirety and insert the following:  
"upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval."

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Thompson to Reengrossed Senate Bill No. 779 by Senator Smith

AMENDMENT NO. 1

On page 4, line 4, change "**board**" to "**commission**"

AMENDMENT NO. 2

On page 5, line 20, change "**board**" to "**commission**"

AMENDMENT NO. 3

On page 6, lines 18, 21, and 23, change "board" to "commission"

AMENDMENT NO. 4

On page 7, lines 3, 6, 21, 22, and 26, change "board" to "commission"

AMENDMENT NO. 5

On page 9, line 16, change "board" to "commission"

AMENDMENT NO. 6

On page 10, line 6, change "board's" to "commission's" and on lines 7 and 15 change "board" to "commission"

**AMENDMENT NO. 7**

On page 15, line 1, change "board" to "commission"

**AMENDMENT NO. 8**

On page 21, lines 12, 17, and 21, change "board" to "commission"

Senator Smith moved to concur in the amendments proposed by the House.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Barham	Heitmeier	McPherson
Boissiere	Hines	Mount
Chaisson	Holden	Schedler
Dardenne	Hollis	Smith
Dupre	Hoyt	Tarver
Ellington	Jones, CD	Theunissen
Fields	Lambert	
Gautreaux	Marionneaux	
Total—22		

**NAYS**

Adley	Lentini	Ullo
Cain	Malone	
Dean	Michot	
Total—7		

**ABSENT**

Mr. President	Fontenot	Romero
Bajoie	Irons	Thomas
Bean	Johnson	
Cravins	Jones, B	
Total—10		

The Chair declared the amendments proposed by the House were concurred in. Senator Smith moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

**Senate Concurrent Resolutions  
on Second Reading  
Reported by Committees**

The following Senate Concurrent Resolutions reported by Committees were taken up and acted upon as follows:

**SENATE CONCURRENT RESOLUTION NO. 70—**

BY SENATOR SCHEDLER

**A CONCURRENT RESOLUTION**

To urge and request appointments to the Board of Examiners in Dietetics and Nutrition be made on a timely basis.

Reported favorably by the Committee on Health and Welfare.

The resolution was read by title. Senator Schedler moved to adopt the Senate Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fields	Marionneaux
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Adley	Gautreaux	McPherson
Barham	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Holden	Schedler
Chaisson	Hollis	Smith
Cravins	Hoyt	Tarver
Dardenne	Jones, CD	Theunissen
Dean	Lambert	Ullo
Dupre	Lentini	
Ellington	Malone	
Total—31		

**NAYS**

Total—0

**ABSENT**

Bajoie	Irons	Romero
Bean	Johnson	Thomas
Fontenot	Jones, B	
Total—8		

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

**Mr. President in the Chair**

**Senate Bills and Joint Resolutions on  
Third Reading  
and Final Passage**

The following Senate Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

**SENATE BILL NO. 35—**

BY SENATORS GAUTREAUX, DUPRE AND HOYT  
AN ACT

To amend and reenact R.S. 56:303.1.1(D), relative to the fresh products license; to authorize the department to disqualify applicants for renewal of the fresh products license; to provide for issuance of a fresh product probation license under certain circumstances; to provide relative to reporting requirements involving fresh products licenses; and to provide for related matters.

The bill was read by title. Senator Gautreaux moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fields	Lentini
Adley	Gautreaux	Malone
Bajoie	Heitmeier	Marionneaux
Barham	Hines	McPherson
Boissiere	Holden	Michot
Cain	Hollis	Mount
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Jones, B	Tarver
Dupre	Jones, CD	Theunissen
Ellington	Lambert	Ullo
Total—33		

**NAYS**

Dean  
Total—1

**ABSENT**

Bean  
Fontenot  
Total—5

Johnson  
Romero

Thomas

The Chair declared the bill was passed. The title was read and adopted. Senator Gautreaux moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 70—**

BY SENATOR GAUTREAUX

AN ACT

To amend and reenact R.S. 32:365(A), relative to motor vehicles; to provide with respect to traffic safety regulations; and to provide for related matters.

The bill was read by title. Senator Gautreaux moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President  
Adley  
Bajoie  
Barham  
Boissiere  
Cain  
Chaisson  
Cravins  
Dardenne  
Dean  
Dupre  
Ellington  
Total—34

Fields  
Gautreaux  
Heitmeier  
Hines  
Holden  
Hollis  
Hoyt  
Irons  
Jones, B  
Jones, CD  
Lambert  
Lentini

Malone  
Marionneaux  
McPherson  
Michot  
Mount  
Schedler  
Smith  
Tarver  
Theunissen  
Ullo

**NAYS**

Total—0

**ABSENT**

Bean  
Fontenot  
Total—5

Johnson  
Romero

Thomas

The Chair declared the bill was passed. The title was read and adopted. Senator Gautreaux moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 75—**

BY SENATOR MARIONNEAUX

AN ACT

To enact R.S. 56:115.1, relative to the definition of a legal buck; to provide for uniformity in size and number of antlers which an antlered buck deer must possess in order to be taken; to provide for exceptions; and to provide for related matters.

The bill was read by title. Senator Marionneaux moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President  
Bajoie  
Barham  
Boissiere

Fields  
Heitmeier  
Hines  
Holden

Lentini  
Malone  
Marionneaux  
McPherson

Cain  
Chaisson  
Cravins  
Dardenne  
Dean  
Dupre  
Ellington  
Total—32

Hollis  
Hoyt  
Irons  
Johnson  
Jones, B  
Jones, CD  
Lambert

Michot  
Schedler  
Smith  
Tarver  
Theunissen  
Ullo

**NAYS**

Adley  
Total—3

Gautreaux

Mount

**ABSENT**

Bean  
Fontenot  
Total—4

Romero  
Thomas

The Chair declared the bill was passed. The title was read and adopted. Senator Marionneaux moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 120—**

BY SENATOR LENTINI AND REPRESENTATIVES ANSARDI AND DAMICO

AN ACT

To amend and reenact R.S. 38:2216(L), relative to public contracts; to provide for circumstances in which a contractor must reimburse a design professional for additional costs for inspections of the contracted project; and to provide for related matters.

The bill was read by title. Senator Lentini moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President  
Adley  
Bajoie  
Barham  
Cain  
Chaisson  
Dardenne  
Dean  
Dupre  
Ellington  
Fields  
Total—31

Gautreaux  
Heitmeier  
Hines  
Holden  
Hollis  
Hoyt  
Johnson  
Jones, B  
Jones, CD  
Lambert  
Lentini

Malone  
Marionneaux  
McPherson  
Michot  
Mount  
Smith  
Tarver  
Theunissen  
Ullo

**NAYS**

Total—0

**ABSENT**

Bean  
Boissiere  
Cravins  
Total—8

Fontenot  
Irons  
Romero

Schedler  
Thomas

The Chair declared the bill was passed. The title was read and adopted. Senator Lentini moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 239—**

BY SENATORS THEUNISSEN AND ELLINGTON  
AN ACT

To enact Subpart A-3 of Part III of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:187, and R.S. 36:651(D)(9), relative to the establishment of the Jobs for Louisiana's Graduates Board of Advisors; to create the board of advisors and provide for its membership; to establish an executive committee; to provide for vacancies; to provide for the development of bylaws; and to provide for related matters.

On motion of Senator Theunissen, the bill was read by title and withdrawn from the files of the Senate.

**SENATE BILL NO. 265—**

BY SENATOR HOYT  
AN ACT

To amend and reenact R.S. 9:3576.6(A) and (C) and R.S. 32:393(C)(2) and (3), relative to parking violations; to remove prohibition of certain agencies from entering into contracts with collection agencies for certain services; to limit the collection fees and interests agencies may collect; to remove prohibition of certain agencies reporting unpaid fines for parking violations to credit information agencies; to remove prohibition of certain agencies from entering into contracts to provide records of unpaid parking fines to credit information agencies; to authorize certain agencies to contract with consumer reporting agencies for certain services; to remove penalties relative to disclosure of certain information; to limit the information contained in consumer reports for unpaid parking fines; and to provide for related matters.

The bill was read by title. Senator Hoyt moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Gautreaux	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Schedler
Dardenne	Johnson	Smith
Dean	Jones, B	Tarver
Dupre	Jones, CD	Theunissen
Ellington	Lambert	Ullo
Fields	Malone	
Total—32		

**NAYS**

Total—0

**ABSENT**

Mr. President	Fontenot	Thomas
Bean	Irons	
Cravins	Lentini	
Total—7		

The Chair declared the bill was passed. The title was read and adopted. Senator Hoyt moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 336—**

BY SENATOR FIELDS  
AN ACT

To amend and reenact R.S. 23:1310.5(E), relative to workers' compensation; to provide with respect to claim resolution; to provide for hearing and appellant procedures; to provide for surgical procedures; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and returned to the Calendar, subject to call.

**SENATE BILL NO. 413—**

BY SENATORS SMITH AND DUPRE  
AN ACT

To enact R.S. 33:381.2, relative to municipal officers; to provide that municipalities with a population of two thousand five hundred or less may appoint or elect the marshal who is the chief of police; to provide the procedure for appointment or election; and to provide for related matters.

The bill was read by title. Senator Dupre moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Gautreaux	Marionneaux
Adley	Hines	McPherson
Bajoie	Holden	Michot
Barham	Hollis	Mount
Boissiere	Hoyt	Romero
Cain	Irons	Schedler
Chaisson	Johnson	Smith
Cravins	Jones, B	Tarver
Dardenne	Jones, CD	Theunissen
Dean	Lambert	Ullo
Dupre	Malone	
Total—32		

**NAYS**

Ellington	Heitmeier
Total—2	

**ABSENT**

Bean	Fontenot	Thomas
Fields	Lentini	
Total—5		

The Chair declared the bill was passed. The title was read and adopted. Senator Dupre moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 607—**

BY SENATORS HOLDEN, IRONS AND MOUNT  
AN ACT

To enact Chapter 20-H of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:3050.1 through 3050.4, relative to establishment of the Grant Opportunity for Youth ChalleNGe Skill Training; to establish a program of tuition assistance for skill and occupational training at a public postsecondary institution for students who graduate from the Louisiana National Guard's Youth ChalleNGe Program and earn a general education diploma; to provide for program eligibility and award limits; to provide continuation requirements for continued payments; to provide for administration of the program; to provide for funding; and to provide for related matters.



The bill was read by title. Senator Holden moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Adley	Heitmeier	Marionneaux
Bajoie	Hines	McPherson
Barham	Holden	Michot
Boissiere	Hollis	Mount
Cain	Hoyt	Romero
Chaisson	Irons	Schedler
Cravins	Johnson	Smith
Dardenne	Jones, B	Tarver
Dean	Jones, CD	Theunissen
Dupre	Lambert	Ullo
Ellington	Lentini	
Gautreaux	Malone	
Total—34		

#### NAYS

Total—0

#### ABSENT

Mr. President	Fields	Thomas
Bean	Fontenot	
Total—5		

The Chair declared the bill was passed. The title was read and adopted. Senator Holden moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### Rules Suspended

Senator Hines asked for and obtained a suspension of the rules for the purpose of taking up at this time.

### Senate Bills and Joint Resolutions on Third Reading and Final Passage, Subject to Call

The following Senate Bills and Joint Resolutions on third reading and final passage, subject to call, were taken up and acted upon as follows:

#### Called from the Calendar

Senator Hines asked that Senate Bill No. 989 be called from the Calendar at this time for its final passage.

#### SENATE BILL NO. 989—

BY SENATOR HINES

#### AN ACT

To amend and reenact R.S. 40:1299.39.1(A) and (I) and R.S. 40:1299.47(A) and (I), relative to the medical review panel; to provide that each request include specific and particularized allegations of malpractice as to each named defendant health care provider; to require that the claimant pay a filing fee per named defendant which shall be waived in certain conditions; to provide that failure to pay the required fee shall invalidate the request for a medical review panel; to provide for payment of the medical review panel costs; to provide for refund of the filing fee under certain conditions; and to provide for related matters.

### Floor Amendments Sent Up

Senator Hines sent up floor amendments which were read.

#### SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hines to Engrossed Senate Bill No. 989 by Senator Hines

#### AMENDMENT NO. 1

On page 1, delete line 2, and insert the following: "To amend and reenact R.S. 40:1299.39.1(A)(1), (2)(b), and 3 and (I)(4) and (5) and 1299.47 (A)(1), (2)(b) and (c), and (3) and (I)(2) and (3) and to enact R.S. 40:1299.39.1(I)(6) and 1299.47(A)(2)(d) and (I)(4)"

#### AMENDMENT NO. 2

On page 1, line 3, delete "and (I)"

#### AMENDMENT NO. 3

On page 1, delete lines 12 and 13, and insert the following: "Section 1. R.S. 40:1299.39.1(A)(1), (2)(b), and 3 ad (I)(4) and (5) and 1299.47 (A)(1), (2)(b) and (c), and (3) and (I)(2) and (3) are hereby amended and reenacted and R.S. 40:1299.39.1(I)(6) and 1299.47(A)(2)(d) and (I)(4) are hereby enacted to read as follows:"

#### AMENDMENT NO. 4

On page 1, delete line 15, and insert the following: "A.(1)(a) All malpractice claims against the state, its agencies, or other persons covered by this Part, other than claims wherein the patients are prisoners and claims compromised or settled by the claimant and the division of administration with the concurrence of designated legal counsel for the state, shall be reviewed by a state medical review panel established as provided in this Section, to be administered by the commissioner of administration, hereinafter referred to as commissioner."

#### AMENDMENT NO. 5

On page 2, delete line 1.

#### AMENDMENT NO. 6

On page 2, delete lines 6 through 11, and insert the following:

**"(c) A claimant shall have forty-five days from the mailing date of the confirmation of receipt of the request for review in accordance with R.S. 40:1299.39.1(A)(3)(a) to pay to the commissioner a filing fee in the amount of one hundred dollars per named defendant health care provider.**

**(d) Such filing fee may be waived only upon receipt of one of the following:**

**(i) An affidavit of a physician holding a valid and unrestricted license to practice his specialty in the state of his residence certifying that adequate medical records have been obtained and reviewed and that the allegations of malpractice against each defendant health care provider named in the claim constitute a claim of a breach of the applicable standard of care as to each named defendant health care provider.**

**(ii) An in forma pauperis ruling issued in accordance with Louisiana Code of Civil Procedure Article 5181, et seq. by a district court in a venue in which the malpractice claim could properly be brought upon the conclusion of the medical review panel process.**

**(e) Failure to pay the filing fee as provided in R.S. 40:1299.39.1(A)(1)(c) within the specified time frame shall render the request for review of a malpractice claim invalid and without effect. Such an invalid request for review of a malpractice claim shall not suspend time within which suit must be instituted in R.S. 40:1299.39.1(A)(2)(a)."**

#### AMENDMENT NO. 7

On page 2, line 12, change "(i)" to "(f)"

#### AMENDMENT NO. 8

On page 2, line 15, delete "(a)"

### AMENDMENT NO. 9

On page 2, delete line 25, and insert the following: "(a) Confirm to the claimant that the filing has been officially received and whether or not the named defendant or defendants have as yet qualified under this Part."

### AMENDMENT NO. 10

On page 3, delete lines 4 through 23.

### AMENDMENT NO. 11

On page 4, delete lines 9 through 20 and insert the following: **"(d) Notify the claimant and all named defendants that the request for review of a malpractice claim is invalid and without effect and that the request shall not suspend the time within which suit must be instituted in R.S. 40:1299.39.1(A)(2)(a), if the filing fee is not waived nor received by the board in the time frame specified above."**

### AMENDMENT NO. 12

On page 7, delete lines 7 through 11, and insert the following:

**"(c) A claimant shall have forty-five days from the mailing date of the confirmation of receipt of the request for review in accordance with R.S. 40:1299.47(A)(3)(a) to pay to the fund a filing fee in the amount of one hundred dollars per named defendant qualified under this Part.**

**(d) Such filing fee may be waived only upon receipt of one of the following:**

**(i) An affidavit of a physician holding a valid and unrestricted license to practice his specialty in the state of his residence certifying that adequate medical records have been obtained and reviewed and that the allegations of malpractice against each defendant health care provider named in the claim constitute a claim of a breach of the applicable standard of care as to each named defendant health care provider.**

**(ii) An in forma pauperis ruling issued in accordance with Louisiana Code of Civil Procedure Article 5181, et seq. by a district court in a venue in which the malpractice claim could properly be brought upon the conclusion of the medical review panel process.**

**(e) Failure to pay the filing fee as provided in R.S. 40:1299.47(A)(1)(c) within the specified time frame shall render the request for review of a malpractice claim invalid and without effect. Such an invalid request for review of a malpractice claim shall not suspend time within which suit must be instituted in R.S. 40:1299.47(A)(2)(a)."**

### AMENDMENT NO. 13

On page 7, line 12, change "(i)" to "(f)"

### AMENDMENT NO. 14

On page 7, delete line 16 and on line 17, delete "(a)"

### AMENDMENT NO. 15

On page 8, line 1, delete the asterisks "\*" \* \*" and insert the following: "The board shall dismiss a claim ninety days after giving notice by certified mail to the claimant or the claimant's attorney if no action has been taken by the claimant or the claimant's attorney to secure the appointment of an attorney chairman for the medical review panel within two years from the date the request for review of the claim was filed."

### AMENDMENT NO. 16

On page 8, delete line 4, and insert the following: "(a) Confirm to the claimant that the filing has been officially received and whether or not the named defendant or defendants have qualified under this Part."

### AMENDMENT NO. 17

On page 8, delete lines 9 through 26 and on page 9, delete line 1.

### AMENDMENT NO. 18

On page 9, line 2, change "(e)" to "(c)"

### AMENDMENT NO. 19

On page 9, delete lines 7 through 18, and insert the following:

**"(d) Notify the claimant and all named defendants that the request for review of a malpractice claim is invalid and without effect and that the request shall not suspend the time within which suit must be instituted in R.S. 40:1299.47(A)(2)(a), if the filing fee is not waived nor received by the board in the time frame specified above."**

### AMENDMENT NO. 20

On page 9, line 20, delete "(1)(a)"

### AMENDMENT NO. 21

Delete Senate Floor Amendments Nos. 1 through 9 proposed by Senator Lambert on behalf of the Legislative Bureau and adopted by the Senate on May 13, 2003.

On motion of Senator Hines, the amendments were adopted.

## Floor Amendments Sent Up

Senator Hines sent up floor amendments which were read.

## SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hines to Engrossed Senate Bill No. 989 by Senator Hines

### AMENDMENT NO. 1

On page 2, line 2, after "(b)" delete the remainder of the line and lines 3, 4 and 5 in their entirety and insert in lieu thereof:

"A 'request for review of a malpractice claim' or 'malpractice complaint' shall contain, at a minimum:

- 1) a request for the formation of a medical review panel;
- 2) a name of the patient;
- 3) names(s) of the claimant(s);
- 4) names(s) of defendant health care providers;
- 5) date(s) of alleged malpractice;
- 6) brief description of alleged malpractice as to each named state defendant health care provider; and
- 7) brief description of alleged injuries."

### AMENDMENT NO. 2

On page 7, delete lines 3, 4, 5 and 6 in their place substitute:

"A 'request for review of a malpractice claim' or 'malpractice complaint' shall contain, at a minimum:

- 1) a request for the formation of a medical review panel;
- 2) a name of the patient;
- 3) names(s) of the claimant(s);
- 4) names(s) of defendant health care providers;
- 5) date(s) of alleged malpractice;
- 6) brief description of alleged malpractice as to each named state defendant health care provider; and
- 7) brief description of alleged injuries."

On motion of Senator Hines, the amendments were adopted.

The bill was read by title. Senator Hines moved final passage of the amended bill.

## ROLL CALL

The roll was called with the following result:

YEAS

Mr. President

Fontenot

Malone

Adley	Gautreaux	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Jones, CD	Thomas
Ellington	Lambert	Ullo
Fields	Lentini	
Total—38		

NAYS

Total—0

ABSENT

Bean  
Total—1

The Chair declared the amended bill was passed. The title was read and adopted. Senator Hines moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### Senate Bills and Joint Resolutions on Third Reading and Final Passage, Resumed

The following Senate Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

#### SENATE BILL NO. 657— BY SENATOR HEITMEIER

AN ACT

To authorize and provide for the transfer of certain state property, located in Winn Parish, from the Louisiana Department of Transportation and Development, to the office of family support in the Department of Social Services; and to provide for related matters.

On motion of Senator Heitmeier, the bill was read by title and returned to the Calendar, subject to call.

#### SENATE BILL NO. 683— BY SENATOR ULLO

AN ACT

To repeal R.S. 33:1559, relative to extra compensation for coroners; to repeal provisions for extra compensation for coroners payable by the state and parish governing authorities; to provide for effective dates; and to provide for related matters.

On motion of Senator Ullo, the bill was read by title and returned to the Calendar, subject to call.

#### SENATE BILL NO. 704— BY SENATOR IRONS

AN ACT

To enact Part V-A of Chapter 3 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:583, relative to housing; to create the Housing Development Trust Fund; and to provide for related matters.

The bill was read by title. Senator Irons moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Malone
Adley	Gautreaux	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Jones, CD	Thomas
Ellington	Lambert	Ullo
Fields	Lentini	
Total—38		

NAYS

Total—0

ABSENT

Bean  
Total—1

The Chair declared the bill was passed. The title was read and adopted. Senator Irons moved to reconsider the vote by which the bill was passed and laid the motion on the table.

#### SENATE BILL NO. 733— BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 30:9.1, relative to oil and gas production; to provide for termination of drilling and production units under certain circumstances; and to provide for related matters.

### Floor Amendments Sent Up

Senator Lambert sent up floor amendments which were read.

### SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lambert on behalf of the Legislative Bureau to Engrossed Senate Bill No. 733 by Senator Adley

#### AMENDMENT NO. 1

On page 2, line 20, following "date" and before "the" delete "of"

On motion of Senator Lambert, the amendments were adopted.

The bill was read by title. Senator Adley moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

YEAS

Adley	Gautreaux	Malone
Bajoie	Heitmeier	Marionneaux
Barham	Hines	McPherson
Boissiere	Holden	Michot
Cain	Hollis	Mount
Chaisson	Hoyt	Romero
Cravins	Irons	Smith

May 13, 2003

Dardenne  
Dupre  
Ellington  
Fields  
Fontenot  
Total—35

Johnson  
Jones, B  
Jones, CD  
Lambert  
Lentini

Tarver  
Theunissen  
Thomas  
Ullo

NAYS

Dean  
Total—1

ABSENT

Mr. President  
Total—3

Bean

Schedler

The Chair declared the bill was passed. The title was read and adopted. Senator Adley moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### Senator Lambert in the Chair

#### SENATE BILL NO. 795— BY SENATOR C. JONES

AN ACT

To amend and reenact R.S. 23:1141(B), relative to workers' compensation; to provide with respect to attorney fees; to provide for a twenty percent recovery in attorney fees for services rendered to an employee; and to provide for related matters.

On motion of Senator Boissiere, the bill was read by title and returned to the Calendar, subject to call.

#### SENATE BILL NO. 801— BY SENATOR MARIONNEAUX

AN ACT

To enact R.S. 15:587(E), relative to criminal history records; to allow certain employers or their representatives to obtain criminal history records of persons applying for employment in certain positions; and to provide for related matters.

The bill was read by title. Senator C. Jones moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

YEAS

Adley  
Bajoie  
Boissiere  
Cain  
Cravins  
Total—13

Fields  
Holden  
Hollis  
Johnson  
Jones, CD

Lambert  
Marionneaux  
Tarver

NAYS

Mr. President  
Barham  
Chaisson  
Dardenne  
Dean  
Dupre  
Ellington  
Total—21

Gautreaux  
Heitmeier  
Hoyt  
Jones, B  
Lentini  
Malone  
Michot

Mount  
Romero  
Schedler  
Smith  
Theunissen  
Thomas  
Ullo

ABSENT

Bean  
Fontenot  
Total—5

Hines  
Irons

McPherson

The Chair declared the bill failed to pass.

### Notice of Reconsideration

Senator C. Jones, pursuant to Senate Rule Number 11.12, gave notice that before the expiration of the Morning Hour of the next succeeding legislative day of the Senate, he would move to reconsider the vote by which the bill failed to pass.

#### SENATE BILL NO. 973—

BY SENATORS BOISSIERE, BAJOE AND IRONS AND REPRESENTATIVE MURRAY

AN ACT

To enact R.S. 48:1655(A)(1)(c), relative to the Regional Transit Authority; provides for appointments to the board of commissioners; to allow the chief executive officer of the parish with the greatest percentage of public transit revenue to make certain appointments; to allow for legislative input in such appointments; to provide a time frame for such input; and to provide for related matters.

### Floor Amendments Sent Up

Senator Lambert sent up floor amendments which were read.

### SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lambert on behalf of the Legislative Bureau to Engrossed Senate Bill No. 973 by Senator Boissiere

#### AMENDMENT NO. 1

On page 1, line 3, before "for" change "provides" to "to provide"

On motion of Senator Lambert, the amendments were adopted.

The bill was read by title. Senator Boissiere moved final passage of the amended bill.

### ROLL CALL

The roll was called with the following result:

YEAS

Adley  
Bajoie  
Barham  
Boissiere  
Cain  
Chaisson  
Cravins  
Dardenne  
Dean  
Dupre  
Ellington  
Fontenot  
Total—35

Gautreaux  
Heitmeier  
Hines  
Holden  
Hollis  
Hoyt  
Irons  
Johnson  
Jones, CD  
Lambert  
Lentini  
Malone

Marionneaux  
McPherson  
Michot  
Mount  
Romero  
Schedler  
Smith  
Tarver  
Theunissen  
Thomas  
Ullo

NAYS

Total—0

ABSENT

Mr. President  
Bean  
Total—4

Fields  
Jones, B

The Chair declared the amended bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 1011—**  
BY SENATOR MICHOT

## AN ACT

To amend and reenact R.S. 39:1496.1(A) and (B) and to enact R.S. 39:1496.1(E), relative to performance based contracts; to provide for review and approval of such contracts; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Michot sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Michot to Engrossed Senate Bill No. 1011 by Senator Michot

AMENDMENT NO. 1

On page 1, line 4, change "and approval" to ", approval, and oversight"

AMENDMENT NO. 2

On page 1, line 11, after "**administration**" insert "**and the joint legislative committee on the budget**"

AMENDMENT NO. 3

On page 1, at the end of line 15, insert "**the terms and conditions required by the division for**"

AMENDMENT NO. 4

On page 2, line 8, after "E." insert "(1)"

AMENDMENT NO. 5

On page 2, line 10, after "procedures" insert "for approving the award of such contracts"

AMENDMENT NO. 6

On page 2, line 12, after "promulgated" insert "and adopted"

AMENDMENT NO. 7

On page 2, at the bottom of the page, insert:

"(2) If the office approves a contract, it shall then be submitted to the joint legislative committee on the budget for its approval.

(3) The rules and regulations provided for in this Subsection shall also provide for procedures for the division to oversee the performance of the contracts in order to insure compliance with the terms and conditions of the contract, and for contract provisions for procedures in the event of violation.

(3) In order to fund the cost of the review, approval, and oversight provided for in this Section, the Request for Proposal for the award of a performance-based energy efficiency contract shall require the proposer to pay to the office of facility planning and control a sum not to exceed two and one half percent of the total value of the performance contract to be paid into an escrow fund that can be used by the office as necessary. The determination of the sum to be paid shall be made by the office of facility planning and control with the concurrence of the using agency and the sum shall be stated in the RFP. Payment shall be made within sixty days of execution of the contract."

On motion of Senator Michot, the amendments were adopted.

The bill was read by title. Senator Michot moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Adley  
Bajoie  
Barham  
Boissiere  
Cain  
Chaisson  
Cravins  
Dardenne  
Dean  
Dupre  
Ellington  
Fields  
Fontenot  
Total—37

Gautreaux  
Heitmeier  
Hines  
Holden  
Hollis  
Hoyt  
Irons  
Johnson  
Jones, B  
Jones, CD  
Lambert  
Lentini  
Malone

Marionneaux  
McPherson  
Michot  
Mount  
Romero  
Schedler  
Smith  
Tarver  
Theunissen  
Thomas  
Ullo

NAYS

Total—0

ABSENT

Mr. President  
Total—2

Bean

The Chair declared the amended bill was passed. The title was read and adopted. Senator Michot moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 1054—**  
BY SENATOR HOYT

## AN ACT

To enact R.S. 33:423.13, relative to powers of municipal officials; to provide certain powers to the chief of police in cities with a population size between two thousand one hundred eighty-five and two thousand one hundred ninety; to provide that the chief of police shall appoint, promote, discipline and dismiss police personnel; and to provide for related matters.

The bill was read by title. Senator Hoyt moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Adley  
Bajoie  
Barham  
Boissiere  
Cain  
Chaisson  
Cravins  
Dardenne  
Dean  
Dupre  
Ellington  
Fields  
Fontenot  
Total—37

Gautreaux  
Heitmeier  
Hines  
Holden  
Hollis  
Hoyt  
Irons  
Johnson  
Jones, B  
Jones, CD  
Lambert  
Lentini  
Malone

Marionneaux  
McPherson  
Michot  
Mount  
Romero  
Schedler  
Smith  
Tarver  
Theunissen  
Thomas  
Ullo

NAYS

Total—0

ABSENT

Mr. President  
Total—2

Bean

The Chair declared the bill was passed. The title was read and adopted. Senator Hoyt moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 1058—**  
BY SENATOR SMITH

**AN ACT**

To authorize the Board of Supervisors of Community and Technical Colleges to transfer title to certain property; to authorize certain municipalities to engage in such transfers; and to provide for related matters.

The bill was read by title. Senator Smith moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Gautreaux	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Jones, CD	Thomas
Ellington	Lambert	Ullo
Fields	Lentini	
Fontenot	Malone	
Total—37		

**NAYS**

Total—0

**ABSENT**

Mr. President	Bean
Total—2	

The Chair declared the bill was passed. The title was read and adopted. Senator Smith moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 1064—**  
BY SENATOR MARIONNEAUX

**AN ACT**

To amend and reenact R.S. 13:2488.62(A), (B), (C)(1) and (C)(2), and enact R.S. 13:2488.62(E), relative to the City Court of Plaquemine; to provide for the compensation of judge, marshal, clerk, deputy clerks and public defender of the court; to provide for an increase in court costs for each violation; to authorize the court to assess a fee to be used for substance abuse treatment; and to provide for related matters.

On motion of Senator Marionneaux, the bill was read by title and returned to the Calendar, subject to call.

**SENATE BILL NO. 1093—**  
BY SENATOR FIELDS

**AN ACT**

To enact R.S. 47:463.111, relative to motor vehicle license plates; to provide for a special prestige license plate for the Louisiana Leadership Institute; to provide for its charge; to provide for the distribution and use of the monies; and to provide for related matters.

The bill was read by title. Senator Fields moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Fontenot	Lentini
Bajoie	Gautreaux	Malone
Barham	Heitmeier	Marionneaux
Boissiere	Hines	McPherson
Cain	Holden	Michot
Chaisson	Hollis	Mount
Cravins	Hoyt	Romero
Dardenne	Irons	Smith
Dean	Johnson	Tarver
Dupre	Jones, B	Theunissen
Ellington	Jones, CD	Thomas
Fields	Lambert	Ullo
Total—36		

**NAYS**

Total—0

**ABSENT**

Mr. President	Bean	Schedler
Total—3		

The Chair declared the bill was passed. The title was read and adopted. Senator Fields moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 1122—**  
BY SENATOR JOHNSON

**AN ACT**

To amend and reenact the introductory paragraph of R.S. 33:9074(D)(3), (4) and (5), (E), and (H)(2), relative to the Spring Lake Subdivision Improvement District; to provide for a majority approval of any fees or taxes imposed within the district; to extend the taxing authority; to authorize a collection fee for the city; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Lambert sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Lambert on behalf of the Legislative Bureau to Engrossed Senate Bill No. 1122 by Senator Johnson

**AMENDMENT NO. 1**

On page 1, lines 2 and 8, following "(D)" and before "(3)" insert ", and (D)"

On motion of Senator Lambert, the amendments were adopted.

The bill was read by title. Senator Johnson moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Gautreaux	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount

Cain  
Chaisson  
Cravins  
Dardenne  
Dean  
Dupre  
Ellington  
Fields  
Fontenot  
Total—37

Hollis  
Hoyt  
Irons  
Johnson  
Jones, B  
Jones, CD  
Lambert  
Lentini  
Malone

NAYS

Total—0

ABSENT

Mr. President  
Total—2

Bean

The Chair declared the bill was passed. The title was read and adopted. Senator Johnson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### Senate Bills and Joint Resolutions on Third Reading and Final Passage, Subject to Call

The following Senate Bills and Joint Resolutions on third reading and final passage, subject to call, were taken up and acted upon as follows:

#### Called from the Calendar

Senator Fields asked that Senate Bill No. 336 be called from the Calendar at this time for its final passage.

#### SENATE BILL NO. 336— BY SENATOR FIELDS

AN ACT

To amend and reenact R.S. 23:1310.5(E), relative to workers' compensation; to provide with respect to claim resolution; to provide for hearing and appellant procedures; to provide for surgical procedures; and to provide for related matters.

#### Floor Amendments Sent Up

Senator Lambert sent up floor amendments which were read.

#### SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lambert on behalf of the Legislative Bureau to Engrossed Senate Bill No. 336 by Senator Fields

#### AMENDMENT NO. 1

On page 1, line 7, following "reenacted" delete "is", and on line 8, before "to" delete "hereby enacted"

On motion of Senator Lambert, the amendments were adopted.

The bill was read by title. Senator Fields moved final passage of the amended bill.

#### ROLL CALL

The roll was called with the following result:

YEAS

Adley  
Bajoie

Fontenot  
Gautreaux

Lentini  
Malone

Barham  
Boissiere  
Cain  
Chaisson  
Cravins  
Dardenne  
Dean  
Dupre  
Ellington  
Fields  
Total—36

Heitmeier  
Hines  
Holden  
Hollis  
Hoyt  
Irons  
Johnson  
Jones, B  
Jones, CD  
Lambert

NAYS

Ullo  
Total—1

ABSENT

Mr. President  
Total—2

Bean

The Chair declared the amended bill was passed. The title was read and adopted. Senator Fields moved to reconsider the vote by which the bill was passed and laid the motion on the table.

#### Called from the Calendar

Senator Boissiere asked that Senate Bill No. 773 be called from the Calendar at this time for its final passage.

#### SENATE BILL NO. 773— BY SENATOR BOISSIERE

AN ACT

To amend and reenact R.S. 32:398(K)(1), relative to accident reports; to provide for fees charged for providing copies of accident reports; and to provide for related matters.

#### Floor Amendments Sent Up

Senator Boissiere sent up floor amendments which were read.

#### SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Boissiere to Engrossed Senate Bill No. 773 by Senator Boissiere

#### AMENDMENT NO. 1

On page 2, line 9, change "twenty-five" to "seventy-five"

On motion of Senator Boissiere, the amendments were adopted.

The bill was read by title. Senator Boissiere moved final passage of the amended bill.

#### ROLL CALL

The roll was called with the following result:

YEAS

Adley  
Bajoie  
Barham  
Boissiere  
Cain  
Chaisson  
Cravins  
Dardenne  
Dean  
Dupre  
Ellington

Fontenot  
Gautreaux  
Heitmeier  
Hines  
Holden  
Hollis  
Hoyt  
Johnson  
Jones, B  
Jones, CD  
Lambert

Malone  
Marionneaux  
McPherson  
Michot  
Mount  
Romero  
Schedler  
Smith  
Tarver  
Theunissen  
Thomas

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Fields	Lentini	
Total—35		
	NAYS	
Ullo		
Total—1		
	ABSENT	
Mr. President	Bean	Irons
Total—3		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Called from the Calendar**

Senator Heitmeier asked that Senate Bill No. 657 be called from the Calendar at this time for its final passage.

**SENATE BILL NO. 657—**  
BY SENATOR HEITMEIER

AN ACT

To authorize and provide for the transfer of certain state property, located in Winn Parish, from the Louisiana Department of Transportation and Development, to the office of family support in the Department of Social Services; and to provide for related matters.

The bill was read by title. Senator Heitmeier moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Adley	Gautreaux	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Jones, CD	Thomas
Ellington	Lambert	Ullo
Fields	Lentini	
Fontenot	Malone	
Total—37		

NAYS

Total—0

ABSENT

Mr. President	Bean
Total—2	

The Chair declared the bill was passed. The title was read and adopted. Senator Heitmeier moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Senator Ellington in the Chair**

**Called from the Calendar**

Senator Fields asked that Senate Bill No. 162 be called from the Calendar at this time for its final passage.

**SENATE BILL NO. 162—**  
BY SENATOR FIELDS

A JOINT RESOLUTION

Proposing to amend Article V, Section 10(B) of the Constitution of Louisiana, relative to appellate jurisdiction of a court of appeal; to provide that the appellate jurisdiction of a court of appeal in all matters be limited to questions of law; and to specify an election date for submission of the proposition to electors and provide a ballot proposition.

The bill was read by title. Senator Fields moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Bajoie	Holden	Marionneaux
Boissiere	Irons	McPherson
Cravins	Johnson	Tarver
Fields	Jones, CD	
Total—11		

NAYS

Mr. President	Ellington	Malone
Adley	Gautreaux	Michot
Barham	Heitmeier	Romero
Cain	Hines	Schedler
Chaisson	Hollis	Smith
Dardenne	Hoyt	Theunissen
Dean	Jones, B	Thomas
Dupre	Lentini	Ullo
Total—24		

ABSENT

Bean	Lambert
Fontenot	Mount
Total—4	

The Chair declared the bill failed to pass.

The Chair declared the bill failed to pass. Senator Dardenne moved to reconsider the vote by which the bill failed to pass and laid the motion on the table.

**Called from the Calendar**

Senator Smith asked that Senate Bill No. 414 be called from the Calendar at this time for its final passage.

**SENATE BILL NO. 414—**  
BY SENATOR SMITH

AN ACT

To enact R.S. 33:441.30, relative to municipal courts; to provide that the board of aldermen of a village with a population greater than three hundred and less than three hundred and fifty, shall, upon request of the mayor, appoint a court magistrate; to provide for the magistrate's duties; to provide for the magistrate's salary; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Smith sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Smith to Engrossed Senate Bill No. 414 by Senator Smith



AMENDMENT NO. 1

On page 1, line 3, after "hundred" insert "ten" and on line 4, change "and fifty" to "twenty-five"

AMENDMENT NO. 2

On page 1, line 9, between "hundred" and "and" insert "ten" on line 10 change "and fifty" to "twenty-five"

AMENDMENT NO. 3

On page 1, line 14, between the first "hundred" and the first "and" insert "ten" and change "and fifty" to "twenty-five"

On motion of Senator Smith, the amendments were adopted.

The bill was read by title. Senator Smith moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Fields	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Romero
Cain	Hollis	Schedler
Chaisson	Hoyt	Smith
Cravins	Irons	Tarver
Dardenne	Jones, B	Theunissen
Dean	Jones, CD	Thomas
Dupre	Lentini	Ullo
Ellington	Malone	
Total—32		

**NAYS**

Total—0

**ABSENT**

Mr. President	Gautreaux	Mount
Bean	Johnson	
Fontenot	Lambert	
Total—7		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Smith moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Called from the Calendar**

Senator Schedler asked that Senate Bill No. 500 be called from the Calendar at this time for its final passage.

**SENATE BILL NO. 500—**  
BY SENATOR SCHEDLER**AN ACT**

To amend and reenact R.S. 28:567(E) and R.S. 40:2103(C), 2116(D), and 2116.32(F)(2), and to enact R.S. 40:1300.143(3)(c), relative to moratoria on the licensing of mental health clinics and centers, long-term care hospital facilities, nursing facilities, and home health agencies; to extend the moratorium through July 1, 2008; to provide for a moratorium on the designation of rural hospitals for the purpose of the Rural Hospital Preservation Act; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Cain sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Cain to Engrossed Senate Bill No. 500 by Senator Schedler

AMENDMENT NO. 1

On page 1, line 3, after "40:1300.143(3)" insert "(a)(viii) and"

AMENDMENT NO. 2

On page 4, line 1, after "40:1300.143(3)" insert "(a)(viii) and" and after "(c)" change "is" to "are"

AMENDMENT NO. 3

On page 4, between lines 6 and 7, insert the following:

**"R.S. 40:1300.143(3)(a)(viii) is all proposed new law.**

(viii) Has no more than sixty hospital beds or has notified the Department of Health and Hospitals as of May 16, 2003, of its intent to reduce its number of hospital beds to no more than sixty, and:

(aa) Is located, as measured by the 2000 census, in a municipality with a population of less than seven thousand.

(bb) Is located, as measured by the 2000 census, in a parish with a population of less than fifty-three thousand.

(cc) Is located within ten miles of a United States military base.

\* \* \*

Senator Cain moved adoption of the amendments.

Senator Dean objected.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Gautreaux	Lentini
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Romero
Cain	Hollis	Schedler
Chaisson	Hoyt	Smith
Cravins	Johnson	Tarver
Dardenne	Jones, B	Theunissen
Dupre	Jones, CD	Thomas
Fields	Lambert	Ullo
Total—30		

**NAYS**

Dean	Irons	Marionneaux
Ellington	Malone	
Total—5		

**ABSENT**

Mr. President	Fontenot
Bean	Mount
Total—4	

The Chair declared the amendments were adopted.

The bill was read by title. Senator Schedler moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Heitmeier	McPherson
Barham	Hines	Michot

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## 22nd DAY'S PROCEEDINGS

Cain	Holden	Romero
Chaisson	Hollis	Schedler
Cravins	Hoyt	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Jones, CD	Thomas
Ellington	Lambert	Ullo
Fields	Malone	
Gautreaux	Marionneaux	
Total—31		

NAYS

Bajoie	Boissiere	Irons
Total—3		

ABSENT

Mr. President	Fontenot	Mount
Bean	Lentini	
Total—5		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Schedler moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### Called from the Calendar

Senator Ullo asked that Senate Bill No. 684 be called from the Calendar at this time for its final passage.

#### SENATE BILL NO. 684— BY SENATOR ULLO

AN ACT

To enact R.S. 28:53.2(F), relative to civil immunity; to exempt a coroner, his support staff and law enforcement officers from civil liability for forceful entry to secure protective custody; and to provide for related matters.

### Floor Amendments Sent Up

Senator Ullo sent up floor amendments which were read.

#### SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Ullo to Engrossed Senate Bill No. 684 by Senator Ullo

##### AMENDMENT NO. 1

On page 2, after line 8, insert the following: "(3) The civil immunity provided for in this Subsection shall not extend to any action for the wrongful death occasioned as a result of the restraint and transportation of the person subject to the request and order for protective custody. Neither shall such immunity from civil liability extend to actions by any third party who is physically injured during the execution of a request and order for protective custody."

On motion of Senator Ullo, the amendments were adopted.

The bill was read by title. Senator Ullo moved final passage of the amended bill.

### ROLL CALL

The roll was called with the following result:

YEAS

Adley	Gautreaux	Malone
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Romero

Cain	Hollis	Schedler
Chaisson	Hoyt	Smith
Cravins	Irons	Tarver
Dardenne	Johnson	Theunissen
Dean	Jones, B	Thomas
Dupre	Jones, CD	Ullo
Ellington	Lambert	
Fontenot	Lentini	
Total—34		

NAYS

Fields	Marionneaux
Total—2	

ABSENT

Mr. President	Bean	Mount
Total—3		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Ullo moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### Called from the Calendar

Senator McPherson asked that Senate Bill No. 1009 be called from the Calendar at this time for its final passage.

#### SENATE BILL NO. 1009— BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 13:2095.2(A), and to enact Code of Criminal Procedure Art. 887(I), relative to the marshal of the city court of Pineville; to provide for the collection of fees in all criminal and traffic matters; to authorize the marshal to collect an additional fee from convicted persons as reimbursement for costs expended in executing warrants; and to provide for related matters.

### Floor Amendments Sent Up

Senator McPherson sent up floor amendments which were read.

#### SENATE FLOOR AMENDMENTS

Amendments proposed by Senator McPherson to Engrossed Senate Bill No. 1009 by Senator McPherson

##### AMENDMENT NO. 1

On page 1, line 3, after "887(I)" insert "and R.S. 13:1899(C)(16)"

##### AMENDMENT NO. 2

On page 3, after line 2, insert the following:

"Section 3. R.S. 13:1899(C)(16) is hereby enacted to read as follows:

**R.S. 13:1899(C)(16) is all proposed new law.**

(16) The additional costs provided for in this Subsection shall not exceed thirty dollars in the City Court of Pineville."

On motion of Senator McPherson, the amendments were adopted.

The bill was read by title. Senator McPherson moved final passage of the amended bill.

### ROLL CALL

The roll was called with the following result:

YEAS

Barham	Gautreaux	Marionneaux
--------	-----------	-------------

Boissiere  
Cain  
Chaisson  
Cravins  
Dean  
Dupre  
Ellington  
Fields  
Fontenot  
Total—28

Heitmeier  
Hines  
Holden  
Hollis  
Hoyt  
Johnson  
Jones, CD  
Lambert  
Lentini

McPherson  
Romero  
Smith  
Tarver  
Theunissen  
Thomas  
Ullo

## NAYS

Adley  
Bajoie  
Total—6

Dardenne  
Irons

Jones, B  
Malone

## ABSENT

Mr. President  
Bean  
Total—5

Michot  
Mount

Schedler

The Chair declared the amended bill was passed. The title was read and adopted. Senator McPherson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

## Called from the Calendar

Senator C. Jones asked that Senate Bill No. 1019 be called from the Calendar at this time for its final passage.

**SENATE BILL NO. 1019—**  
BY SENATOR C. JONES

## AN ACT

To amend and reenact R.S. 27:317, relative to the Louisiana Gaming Control Law; to provide with respect to the Video Draw Poker Devices Control Law; to provide with respect to residence and domicile requirements for certain licensees; and to provide for related matters.

The bill was read by title. Senator C. Jones moved the final passage of the bill.

## ROLL CALL

The roll was called with the following result:

## YEAS

Adley  
Bajoie  
Boissiere  
Cain  
Chaisson  
Cravins  
Dupre  
Fields  
Fontenot  
Total—26

Gautreaux  
Heitmeier  
Hines  
Holden  
Hollis  
Hoyt  
Irons  
Johnson  
Jones, CD

Lentini  
Marionneaux  
Romero  
Schedler  
Tarver  
Theunissen  
Thomas  
Ullo

## NAYS

Barham  
Dardenne  
Dean  
Total—8

Ellington  
Jones, B  
Malone

McPherson  
Smith

## ABSENT

Mr. President  
Bean  
Total—5

Lambert  
Michot

Mount

The Chair declared the bill was passed. The title was read and adopted. Senator C. Jones moved to reconsider the vote by which the bill was passed and laid the motion on the table.

## Personal Privilege

Senator Michot asked for and obtained the floor of the Senate on a point of personal privilege, and stated he appeared as absent on the vote on Senate Bill No. 1019. He had intended to vote nay on the bill. He asked that the Official Journal so state.

## Called from the Calendar

Senator Heitmeier asked that Senate Bill No. 668 be called from the Calendar at this time for its final passage.

**SENATE BILL NO. 668—**  
BY SENATOR HEITMEIER

## AN ACT

To amend and reenact R.S. 45:844.12(4), relative to "telephone solicitation"; to provide an exception for telemarketing calls that do not complete a sale during the call; and to provide for related matters.

## Floor Amendments Sent Up

Senator Heitmeier sent up floor amendments which were read.

## SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Heitmeier to Engrossed Senate Bill No. 668 by Senator Heitmeier

AMENDMENT NO. 1

On page 1, line 14, after "purpose of" and before "a sale" insert "encouraging"

AMENDMENT NO. 2

On page 2, line 1, after "purpose of" and before "an extension" insert "encouraging"

AMENDMENT NO. 3

On page 2, delete lines 15 through 17 in their entirety and insert in lieu thereof the following: "(d) On behalf of members of the Louisiana Automobile Dealers Association, unless such member utilizes the services of a paid professional solicitor, as defined in R.S. 51:1901(6), and with the requirement that the sale be completed only after a face-to-face meeting between the telephonic solicitor and the residential telephonic subscriber at the telephonic solicitor's primary place of business. If the residential telephonic subscriber who has been called pursuant to this subparagraph does not wish to be called after such initial call, then the telephonic solicitor shall not call the residential telephonic subscriber for a period of five years.

On motion of Senator Heitmeier, the amendments were adopted.

The bill was read by title. Senator Heitmeier moved final passage of the amended bill.

## ROLL CALL

The roll was called with the following result:

## YEAS

Boissiere  
Dardenne  
Dean  
Dupre  
Total—11

Fields  
Heitmeier  
Holden  
Johnson

Jones, CD  
Marionneaux  
Theunissen

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**NAYS**

Barham	Hollis	Romero
Cain	Hoyt	Schedler
Chaisson	Irons	Smith
Cravins	Jones, B	Tarver
Ellington	Lentini	Thomas
Fontenot	Malone	
Hines	Michot	
Total—19		

**ABSENT**

Mr. President	Bean	McPherson
Adley	Gautreaux	Mount
Bajoie	Lambert	Ullo
Total—9		

The Chair declared the bill failed to pass.

**Notice of Reconsideration**

Senator Heitmeier, pursuant to Senate Rule Number 11.12, gave notice that before the expiration of the Morning Hour of the next succeeding legislative day of the Senate, he would move to reconsider the vote by which the bill failed to pass.

**House Bills and Joint Resolutions on  
Third Reading  
and Final Passage**

The following House Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

**Rules Suspended**

Senator Dardenne asked for and obtained a suspension of the rules for the purpose of taking up House Bill No. 1887 out of its regular order.

**HOUSE BILL NO. 1887—**  
BY REPRESENTATIVES LEBLANC AND DEWITT AND SENATOR DARDENNE

**AN ACT**

To amend and reenact R.S. 39:98.3(A), relative to the Millennium Trust; to provide for the determination of the amount of aggregate investment earnings available for appropriation; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator Dardenne moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Fontenot	Malone
Bajoie	Heitmeier	Marionneaux
Barham	Hines	McPherson
Boissiere	Holden	Michot
Cain	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Jones, CD	Thomas
Ellington	Lambert	Ullo
Fields	Lentini	
Total—35		

**NAYS**

Total—0	ABSENT
Mr. President	Gautreaux
Bean	Mount
Total—4	

The Chair declared the bill was passed. The title was read and adopted. Senator Dardenne moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 449—**  
BY REPRESENTATIVE TRICHE  
**AN ACT**

To amend and reenact R.S. 46:236.1(I)(2), relative to child support; to provide for the collection of past due support from federal tax refunds; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Schedler sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Conforming Amendments proposed by Senator Schedler to Engrossed House Bill No. 449 by Representative Triche (Duplicate of Senate Bill No. 387)

**AMENDMENT NO. 1**

On page 2, delete lines 19 through 24 in their entirety.

On motion of Senator Schedler, the amendments were adopted.

The bill was read by title. Senator Chaisson moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Fontenot	Lentini
Bajoie	Gautreaux	Malone
Barham	Heitmeier	Marionneaux
Boissiere	Hines	McPherson
Cain	Holden	Michot
Chaisson	Hollis	Romero
Cravins	Hoyt	Schedler
Dardenne	Irons	Smith
Dean	Johnson	Tarver
Dupre	Jones, B	Theunissen
Ellington	Jones, CD	Thomas
Fields	Lambert	Ullo
Total—36		

**NAYS**

Total—0	ABSENT
Mr. President	Bean
Total—3	Mount

The Chair declared the amended bill was passed. The title was read and adopted. Senator Chaisson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 267—**

BY REPRESENTATIVE FRITH

**AN ACT**

To amend and reenact R.S. 47:302.23(B), relative to the hotel/motel sales tax dedications in Vermilion Parish; to correct the name of an entity to which funds are allocated; and to provide for related matters.

The bill was read by title. Senator Hoyt moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Gautreaux	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Cain	Hollis	Mount
Chaisson	Hoyt	Romero
Cravins	Irons	Schedler
Dardenne	Johnson	Smith
Dean	Jones, B	Tarver
Dupre	Jones, CD	Theunissen
Ellington	Lambert	Ullo
Fields	Lentini	
Fontenot	Malone	
Total—34		

**NAYS**

Total—0

**ABSENT**

Mr. President	Boissiere	Thomas
Bean	Holden	
Total—5		

The Chair declared the bill was passed. The title was read and adopted. Senator Hoyt moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 847—**

BY REPRESENTATIVES JOHN SMITH AND SALTER

**AN ACT**

To enact R.S. 17:1603, to designate a building on the Leesville/Fort Polk campus of Northwestern State University as the "Chester Creighton Owen Building"; and to provide for related matters.

The bill was read by title. Senator Cain moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Gautreaux	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Schedler
Dardenne	Irons	Smith
Dean	Johnson	Tarver
Dupre	Jones, B	Theunissen
Ellington	Jones, CD	Thomas
Fields	Lentini	Ullo
Fontenot	Malone	

Total—35

**NAYS**

Total—0

**ABSENT**

Mr. President	Cravins
Bean	Lambert
Total—4	

The Chair declared the bill was passed. The title was read and adopted. Senator Cain moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 1183—**

BY REPRESENTATIVES PINAC, ALEXANDER, BAUDOIN, BROOME, BRUCE, DANIEL, DURAND, FLAVIN, PIERRE, WALSWORTH, CROWE, DEVILLIER, FANNIN, FRITH, SCHWEGMANN, AND GARY SMITH AND SENATORS MICHOT, CRAVINS, AND HOYT

**AN ACT**

To enact Chapter 8-I of Title 45 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 45:844.21 through 844.25, relative to an information and referral system; to provide for the authority of the Public Service Commission, to create a planning board to make recommendations to the commission, to provide for the requirements of the system and procedure for its planning, implementation, operation, and associated costs; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Michot sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Conforming Amendments proposed by Senator Michot to Engrossed House Bill No. 1183 by Representative Pinac (Duplicate of Senate Bill No. 786)

**AMENDMENT NO. 1**

On page 1, delete line 26 in its entirety and insert in lieu thereof the following: "for personal, family, or financial problems."

**AMENDMENT NO. 2**

On page 3, line 6, delete "such recommendations"

**AMENDMENT NO. 3**

On page 5, delete line 10 in its entirety and insert in lieu thereof the following: "guidance when citizens have personal, family, or financial problems which are not"

On motion of Senator Michot, the amendments were adopted.

The bill was read by title. Senator Michot moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Gautreaux	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Schedler
Dardenne	Irons	Smith
Dean	Johnson	Tarver
Dupre	Jones, CD	Theunissen

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Ellington  
Fields  
Fontenot  
Total—35

Lambert  
Lentini  
Malone

Thomas  
Ullo

NAYS

Total—0

ABSENT

Mr. President  
Bean  
Total—4

Cravins  
Jones, B

The Chair declared the amended bill was passed. The title was read and adopted. Senator Michot moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 1499—**

BY REPRESENTATIVES PITRE, DURAND, BAUDOUIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, KENNEY, MORRISH, JACK SMITH, AND STRAIN  
AN ACT

To enact R.S. 3:4617(D) and (E), relative to the labeling of food products; prevents advertisement or sale of certain food products; provides relative to the definition of "cajun"; restricts use of the term "cajun" in advertising certain food products; prohibits deceptive packaging; and to provide for related matters.

The bill was read by title. Senator Gautreaux moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Adley  
Bajoie  
Barham  
Boissiere  
Cain  
Chaisson  
Dardenne  
Dean  
Dupre  
Ellington  
Fields  
Fontenot  
Total—36

Gautreaux  
Heitmeier  
Hines  
Holden  
Hollis  
Hoyt  
Irons  
Johnson  
Jones, B  
Jones, CD  
Lambert  
Lentini

Malone  
Marionneaux  
McPherson  
Michot  
Mount  
Romero  
Schedler  
Smith  
Tarver  
Theunissen  
Thomas  
Ullo

NAYS

Total—0

ABSENT

Mr. President  
Total—3

Bean

Cravins

The Chair declared the bill was passed. The title was read and adopted. Senator Gautreaux moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 829—**

BY REPRESENTATIVE HAMMETT AND SENATOR BARHAM  
AN ACT

To enact R.S. 49:191(14) and to repeal R.S. 49:191(12)(a), relative to the Department of Revenue including provisions; to provide for the re-creation of the Department of Revenue and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory

authority for the existence of such statutory entities; and to provide for related matters.

The bill was read by title. Senator Barham moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Adley  
Bajoie  
Barham  
Boissiere  
Cain  
Chaisson  
Dardenne  
Dean  
Dupre  
Ellington  
Fields  
Fontenot  
Total—36

Gautreaux  
Heitmeier  
Hines  
Holden  
Hollis  
Hoyt  
Irons  
Johnson  
Jones, B  
Jones, CD  
Lambert  
Lentini

Malone  
Marionneaux  
McPherson  
Michot  
Mount  
Romero  
Schedler  
Smith  
Tarver  
Theunissen  
Thomas  
Ullo

NAYS

Total—0

ABSENT

Mr. President  
Total—3

Bean

Cravins

The Chair declared the bill was passed. The title was read and adopted. Senator Barham moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Senator Lambert in the Chair**

**HOUSE BILL NO. 830—**

BY REPRESENTATIVES HAMMETT, BAYLOR, FARRAR, FAUCHEUX, HILL, HUNTER, LANDRIEU, ODINET, AND TOWNSEND AND SENATOR BARHAM

AN ACT

To enact R.S. 47:1607, relative to refunds issued to a taxpayer in error; to require the secretary to remove or reduce interest on certain refunds issued to a taxpayer in error; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator Barham moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Adley  
Bajoie  
Barham  
Boissiere  
Cain  
Chaisson  
Dardenne  
Dean  
Dupre  
Ellington  
Fields  
Fontenot  
Total—36

Gautreaux  
Heitmeier  
Hines  
Holden  
Hollis  
Hoyt  
Irons  
Johnson  
Jones, B  
Jones, CD  
Lambert  
Lentini

Malone  
Marionneaux  
McPherson  
Michot  
Mount  
Romero  
Schedler  
Smith  
Tarver  
Theunissen  
Thomas  
Ullo

## NAYS

Total—0

## ABSENT

Mr. President                      Bean                      Cravins  
Total—3

The Chair declared the bill was passed. The title was read and adopted. Senator Barham moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 893—**

BY REPRESENTATIVE HAMMETT AND SENATOR BARHAM  
AN ACT

To amend and reenact R.S. 47:1511, relative to the authority of the secretary of the Department of Revenue to promulgate rules and regulations; to require compliance with the Administrative Procedure Act; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator Barham moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

## YEAS

Adley	Gautreaux	Malone
Bajoie	Heitmeier	Marionneaux
Barham	Hines	McPherson
Boissiere	Holden	Michot
Cain	Hollis	Mount
Chaisson	Hoyt	Romero
Dardenne	Irons	Smith
Dean	Johnson	Tarver
Dupre	Jones, B	Theunissen
Ellington	Jones, CD	Thomas
Fields	Lambert	Ullo
Fontenot	Lentini	
Total—35		

## NAYS

Total—0

## ABSENT

Mr. President                      Cravins  
Bean                      Schedler  
Total—4

The Chair declared the bill was passed. The title was read and adopted. Senator Barham moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 1036—**

BY REPRESENTATIVE HAMMETT AND SENATOR BARHAM  
AN ACT

To amend and reenact R.S. 47:1519(B), relative to the payment of taxes by electronic funds transfer; to authorize the secretary of the Department of Revenue to require electronic funds transfer for certain taxpayers; to provide for a date of delivery; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator Barham moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

## YEAS

Adley	Gautreaux	Malone
Bajoie	Heitmeier	Marionneaux
Barham	Hines	McPherson
Boissiere	Holden	Michot
Cain	Hollis	Mount
Chaisson	Hoyt	Romero
Dardenne	Irons	Smith
Dean	Johnson	Tarver
Dupre	Jones, B	Theunissen
Ellington	Jones, CD	Thomas
Fields	Lambert	Ullo
Fontenot	Lentini	
Total—35		

## NAYS

Total—0

## ABSENT

Mr. President                      Cravins  
Bean                      Schedler  
Total—4

The Chair declared the bill was passed. The title was read and adopted. Senator Barham moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 1066—**

BY REPRESENTATIVES HAMMETT AND HUNTER AND SENATOR BARHAM

## AN ACT

To amend and reenact R.S. 47:306(A)(1)(b) and (3)(a) and (B)(4), relative to the state sales and use tax; to change the filing requirements; to provide with respect to dealer compensation; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator Barham moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

## YEAS

Adley	Gautreaux	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Jones, CD	Thomas
Ellington	Lambert	Ullo
Fields	Lentini	
Fontenot	Malone	
Total—37		

## NAYS

Total—0

## ABSENT

Mr. President                      Bean  
Total—2

The Chair declared the bill was passed. The title was read and adopted. Senator Barham moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 1750—**

BY REPRESENTATIVE DANIEL

**AN ACT**

To enact R.S. 47:301(10)(w), (13)(j), and (18)(j), relative to local sales and use taxes; to provide for definitions relative to the taxation of the sale of other disposition of certain tangible personal property by a dealer in connection with the sale or use of mobile telecommunications services; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator Ellington moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Gautreaux	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Tarver
Dardenne	Irons	Theunissen
Dupre	Johnson	Thomas
Ellington	Jones, B	Ullo
Fields	Jones, CD	
Fontenot	Lentini	
Total—11		

**NAYS**

Dean	Malone	Smith
Total—3		

**ABSENT**

Mr. President	Cravins	Schedler
Bean	Lambert	
Total—5		

The Chair declared the bill was passed. The title was read and adopted. Senator Ellington moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 130—**

BY REPRESENTATIVE JOHN SMITH

**AN ACT**

To authorize the commissioner of the Department of Agriculture and Forestry to exchange certain property in Beauregard Parish with the Cooper Cemetery Association; to provide for property descriptions; to provide for the reservation of mineral rights; to provide for terms and conditions; and to provide for related matters.

The bill was read by title. Senator Cain moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Gautreaux	Malone
Bajoie	Heitmeier	Marionneaux

Barham	Hines	McPherson
Boissiere	Holden	Michot
Cain	Hollis	Mount
Chaisson	Hoyt	Romero
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Jones, CD	Thomas
Fields	Lambert	Ullo
Fontenot	Lentini	
Total—35		

**NAYS**

Total—0

**ABSENT**

Mr. President	Ellington
Bean	Schedler
Total—4	

The Chair declared the bill was passed. The title was read and adopted. Senator Cain moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 942—**

BY REPRESENTATIVES DOWNER, CAPELLA, R. CARTER, FAUCHEUX, AND WELCH

**AN ACT**

To amend and reenact R.S. 14:329.6(E), R.S. 29:1, 5(A), (B), (C), (D), and (H), 6, 7, 721, 722(A)(introductory paragraph), (1), (3), and (4) and (B), 723(1), 724(C) and (F), 725, 726(A) and (B)(introductory paragraph), (10), (11), and (12), (C), (D), (E)(6) and (9), and (F), 727(A), (B), (C), and (H), 728(A), (C), (D), and (F), 729(A), (B)(introductory paragraph), (6), (10), and (11), (C), (D), and (E)(6), 730(A) and (B), 730.1, 731, 733.1, 735(A), 737(C), (D), and (E), and 751(introductory paragraph) and the second and third undesignated paragraphs of Article I, the first and third undesignated paragraphs of Article II, Article III(A)(1) and (2), (B)(1), and (C), and Articles IV and X, R.S. 30:2458(A)(9), R.S. 45:841(2) and (5), 842, 843(A)(1) and (2), and 844, and R.S. 49:853(4), to enact R.S. 14:329.6(G), R.S. 29:723(3.1) and (6) and R.S. 29:726(B)(14) and (15), to repeal the existing R.S. 29:7.1, and to redesignate R.S. 29:7.2 as R.S. 29:7.1, relative to military affairs; to provide for the office of homeland security and emergency preparedness; to provide for the redesignation of the office of emergency preparedness as the office of homeland security and emergency preparedness within the Military Department, and to redesignate references in accordance therewith; to redesignate Chapter 6 of Title 29 of the Louisiana Revised Statutes as the "Louisiana Homeland Security and Emergency Assistance and Disaster Act" and to include references to homeland security; to provide for the authority and responsibilities of the office; to provide for definitions; to delete certain mandatory reimbursements between political subdivisions during certain emergencies; to provide for the composition of the Military Department; to provide for the activation of the militia during public emergencies; to provide for authority of national guardsmen and military police during certain emergencies, including homeland security purposes; to redesignate parish, local, and interjurisdictional emergency preparedness agencies as homeland security and emergency preparedness agencies; to redesignate references to emergency preparedness agencies within provisions applicable to emergency alert services; to include acts of terrorism as emergencies, disasters for purposes of homeland security and emergency preparedness and the operation of government during interim emergencies; to revise the Southern Regional Emergency Management and Assistance Compact to include provisions for homeland security and emergency preparedness; and to provide for related matters.



The bill was read by title. Senator Barham moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Adley	Heitmeier	Marionneaux
Bajoie	Hines	McPherson
Barham	Holden	Michot
Boissiere	Hollis	Mount
Cain	Hoyt	Romero
Chaisson	Irons	Schedler
Dardenne	Johnson	Smith
Dupre	Jones, B	Tarver
Ellington	Jones, CD	Theunissen
Fields	Lambert	Thomas
Fontenot	Lentini	Ullo
Gautreaux	Malone	
Total—35		

#### NAYS

Dean  
Total—1

#### ABSENT

Mr. President	Bean	Cravins
Total—3		

The Chair declared the bill was passed. The title was read and adopted. Senator Barham moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### HOUSE BILL NO. 225—

BY REPRESENTATIVE PINAC

#### AN ACT

To amend and reenact R.S. 6:217(B) and (C), 232(C), 352.1(H)(4), 361(B)(2), 364.1(B), 365.1(A)(4), 366(E), 367(B)(7), 706(D), (E), and (F), 721(C)(4), (D), and (F), 862, 863(B), 868(E), 938(C), 1273(C), and 1284(5), relative to financial institution filing requirements; to eliminate document filing requirements with the secretary of state; and to provide for related matters.

The bill was read by title. Senator Hollis moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Adley	Fontenot	Lentini
Bajoie	Gautreaux	Malone
Barham	Heitmeier	McPherson
Boissiere	Hines	Michot
Cain	Holden	Mount
Chaisson	Hollis	Romero
Cravins	Hoyt	Schedler
Dardenne	Irons	Smith
Dean	Johnson	Tarver
Dupre	Jones, B	Theunissen
Ellington	Jones, CD	Thomas
Fields	Lambert	Ullo
Total—36		

#### NAYS

Marionneaux  
Total—1

#### ABSENT

Mr. President	Bean
Total—2	

The Chair declared the bill was passed. The title was read and adopted. Senator Hollis moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### HOUSE BILL NO. 932—

BY REPRESENTATIVE PITRE AND SENATOR DUPRE

#### AN ACT

To enact R.S. 47:463.111, relative to motor vehicles; to provide relative to the issuance of license plates; to create the "America's WETLAND" prestige license plate to promote Louisiana's coastal wetlands and coastal wetland restoration; to provide relative to the fee for such plate; to provide for the design of such plate; to authorize the promulgation of rules and regulations; and to provide for related matters.

### Floor Amendments Sent Up

Senator McPherson sent up floor amendments which were read.

### SENATE FLOOR AMENDMENTS

Amendments proposed by Senator McPherson to Engrossed House Bill No. 932 by Representative Pitre

#### AMENDMENT NO. 1

On page 2, at the end of line 4, insert the following: "However, the automobile license plate for sport utility vehicles and the license plate for pickup and other light trucks, except farm trucks, and trucks that are non-apportioned shall have imprinted on the bottom of the plate "Sportsman's Paradise"."

On motion of Senator McPherson, the amendments were adopted.

The bill was read by title. Senator Dupre moved final passage of the amended bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Adley	Heitmeier	Marionneaux
Bajoie	Hines	McPherson
Barham	Holden	Michot
Boissiere	Hollis	Mount
Cain	Hoyt	Romero
Chaisson	Irons	Schedler
Cravins	Johnson	Smith
Dardenne	Jones, B	Tarver
Dupre	Jones, CD	Theunissen
Ellington	Lambert	Thomas
Fontenot	Lentini	Ullo
Gautreaux	Malone	
Total—35		

#### NAYS

Dean  
Total—1

#### ABSENT

Mr. President	Bean	Fields
Total—3		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Dupre moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### HOUSE BILL NO. 1007—

BY REPRESENTATIVES BRUNEAU AND RICHMOND AND SENATOR BOISSIERE

#### AN ACT

To amend and reenact R.S. 8:1(7) and (26), 656, 657, 658, 661, and 662 and R.S. 37:831(9), (16), and (23), 846(A)(6), (11), (13), and (14) and 849 and to enact R.S. 37:831(53) through (70) and 846(A)(16) through (19), and Part III of Chapter 10 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:871 through 885, relative to crematories; to provide for definitions; to provide for records of cemetery authorities; to provide relative to the Louisiana State Board of Embalmers and Funeral Directors; to provide for grounds for administrative action; to provide for injunction proceedings; to prohibit certain actions; to provide for qualifications for licenses and exceptions; to provide for renewal of licenses; to provide for license fees; to provide for authorizing agents for cremation; to provide for authorizations to cremate and refusals to cremate; to provide for cremation containers; to provide for cremation procedures and delivery and packaging of cremated human remains; to provide for the disposition of cremated human remains; to provide for violations and penalties; to provide relative to liability; to provide for administration and the promulgation of rules and regulations; to provide relative to pre-arranged or prepaid cremation services; and to provide for related matters.

The bill was read by title. Senator Boissiere moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Adley	Heitmeier	Marionneaux
Bajoie	Hines	McPherson
Barham	Holden	Michot
Boissiere	Hollis	Mount
Cain	Hoyt	Romero
Chaisson	Irons	Schedler
Cravins	Johnson	Smith
Dardenne	Jones, B	Tarver
Ellington	Jones, CD	Theunissen
Fields	Lambert	Thomas
Fontenot	Lentini	Ulló
Gautreaux	Malone	
Total—35		

#### NAYS

Dean  
Total—1

#### ABSENT

Mr. President	Bean	Dupre
Total—3		

The Chair declared the bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### HOUSE BILL NO. 1226—

BY REPRESENTATIVE THOMPSON AND SENATOR SMITH

#### AN ACT

To amend and reenact R.S. 3:264(B)(introductory paragraph), 266(19), 314(C), 414, 446.5(G), 543(C), 544(B)(5), 1604(A)(3), 3391.5(A), and 4402(A), R.S. 15:1153(B)(2)(d), and R.S.

49:327.1(N), 327.2(P), and 968(B)(18), relative to the House and Senate agriculture committees; to change various statutes to provide for the House and Senate Committees on Agriculture, Forestry, Aquaculture and Rural Development; and to provide for related matters.

The bill was read by title. Senator Smith moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Adley	Heitmeier	Marionneaux
Bajoie	Hines	McPherson
Barham	Holden	Mount
Boissiere	Hollis	Romero
Cain	Hoyt	Schedler
Chaisson	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Jones, CD	Thomas
Fields	Lambert	Ulló
Fontenot	Lentini	
Gautreaux	Malone	
Total—34		

#### NAYS

Total—0

#### ABSENT

Mr. President	Cravins	Michot
Bean	Ellington	
Total—5		

The Chair declared the bill was passed. The title was read and adopted. Senator Smith moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### Personal Privilege

Senator Ellington asked for and obtained the floor of the Senate on a point of personal privilege, and stated he appeared as absent on the vote on House Bill No. 1226. He had intended to vote yea on the bill. He asked that the Official Journal so state.

### HOUSE BILL NO. 880—

BY REPRESENTATIVE JOHN SMITH

#### AN ACT

To amend and reenact R.S. 47:302.5, 322.19, and 332.3, relative to the state sales and use tax on hotel occupancy levied in Vernon Parish; to provide for the allocation, administration, and use of such monies; to provide for an effective date; and to provide for related matters.

On motion of Senator Adley, the bill was read by title and returned to the Calendar, subject to call.

### HOUSE BILL NO. 987—

BY REPRESENTATIVES DEWITT, DANIEL, FAUCHEUX, HAMMETT, HILL, L. JACKSON, ODINET, AND TOWNSEND AND SENATOR HAINKEL

#### AN ACT

To amend and reenact R.S. 47:1832(A), relative to the tax commission; to provide for the membership of such commission; and to provide for related matters.

On motion of Senator Adley, the bill was read by title and returned to the Calendar, subject to call.

**HOUSE BILL NO. 1032—**BY REPRESENTATIVE HAMMETT  
AN ACT

To amend and reenact R.S. 47:1838(introductory paragraph), relative to the Louisiana Tax Commission; to authorize the continued assessment and collection of fees assessed in connection with services performed by the commission; and to provide for related matters.

The bill was read by title. Senator Barham moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Fontenot	Lentini
Bajoie	Gautreaux	Malone
Barham	Heitmeier	Marionneaux
Boissiere	Hines	Michot
Cain	Holden	Mount
Chaisson	Hollis	Romero
Cravins	Hoyt	Schedler
Dardenne	Irons	Smith
Dean	Johnson	Tarver
Dupre	Jones, B	Theunissen
Ellington	Jones, CD	Thomas
Fields	Lambert	Ullo
Total—36		

**NAYS**

Total—0

**ABSENT**

Mr. President	Bean	McPherson
Total—3		

The Chair declared the bill was passed. The title was read and adopted. Senator Barham moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 1041—**BY REPRESENTATIVES CAZAYOUX AND BRUCE  
AN ACT

To enact R.S. 39:1786(A)(10), relative to the powers of the Louisiana Correctional Facilities Corporation; to authorize the corporation to alienate or sell any properties acquired by the corporation but which have not been used for the purposes of financing and acquisition of correctional facilities for lease to the state of Louisiana; to provide for an effective date; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Lentini sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Lentini to Reengrossed House Bill No. 1041 by Representative Cazayoux

**AMENDMENT NO. 1**

Delete Senate Committee Amendments proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on May 5, 2003.

**AMENDMENT NO. 2**

On page 2, line 5, after "purpose." insert the following:

"The requirements and provisions of R.S. 41:1338 are not applicable to the sale, alienation or disposal of any such property by the corporation."

On motion of Senator Lentini, the amendments were adopted.

The bill was read by title. Senator Lentini moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Heitmeier	Marionneaux
Barham	Hines	McPherson
Boissiere	Holden	Michot
Cain	Hollis	Mount
Chaisson	Hoyt	Romero
Dardenne	Irons	Schedler
Dean	Johnson	Smith
Dupre	Jones, B	Tarver
Ellington	Jones, CD	Theunissen
Fields	Lambert	Thomas
Fontenot	Lentini	Ullo
Gautreaux	Malone	
Total—35		

**NAYS**

Total—0

**ABSENT**

Mr. President	Bean
Bajoie	Cravins
Total—4	

The Chair declared the amended bill was passed. The title was read and adopted. Senator Lentini moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 1530—**

BY REPRESENTATIVES THOMPSON, KENNEY, BAUDOUIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, MORRISH, JACK SMITH, AND STRAIN

**AN ACT**

To amend and reenact R.S. 3:1614(C) and 1617(A) and to enact R.S. 3:1614(D), relative to cotton; to provide for the holding of referendums to terminate or modify boll weevil assessments; to provide relative to liens on cotton for payment of assessment; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Ellington sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Ellington to Engrossed House Bill No. 1530 by Representative Thompson

**AMENDMENT NO. 1**

On page 1, delete lines 15 through 17 and insert "referendums, to"

On motion of Senator Ellington, the amendments were adopted.

The bill was read by title. Senator Barham moved final passage of the amended bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Adeley	Gautreaux	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Jones, CD	Thomas
Ellington	Lambert	Ullo
Fields	Lentini	
Fontenot	Malone	
Total—37		

#### NAYS

Total—0

#### ABSENT

Mr. President	Bean
Total—2	

The Chair declared the amended bill was passed. The title was read and adopted. Senator Barham moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### HOUSE BILL NO. 98—

BY REPRESENTATIVES JOHN SMITH, DOWNER, MCDONALD, ALEXANDER, CROWE, CURTIS, HONEY, HUDSON, KENNARD, NEVERS, POWELL, JANE SMITH, SWILLING, AND THOMPSON AND SENATOR THEUNISSEN

#### AN ACT

To amend and reenact R.S. 17:3048.1(A)(1)(a)(iii) and to enact R.S. 17:3048.1(C)(2)(c)(v), relative to Tuition Opportunity Program for Students eligibility requirements applicable to children of certain military personnel and to students ordered to active duty in the United States armed forces or National Guard; to provide for the time period in which a nonresident on active duty with the United States armed forces who is stationed in Louisiana under permanent change of station orders must change his military records to establish Louisiana as his official home of record in order for a dependent child to be eligible for a Tuition Opportunity Program for Students award; to require the administering agency of the Tuition Opportunity Program for Students to provide by rule for a waiver procedure for certain program continuing eligibility requirements under specified circumstances and in accordance with certain conditions; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator Theunissen moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Adeley	Fontenot	Lentini
Bajoie	Gautreaux	Malone
Barham	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Holden	Romero
Chaisson	Hollis	Schedler
Cravins	Hoyt	Tarver

Dardenne  
Dean  
Dupre  
Ellington  
Fields  
Total—34

Irons  
Johnson  
Jones, B  
Jones, CD  
Lambert

Theunissen  
Thomas  
Ullo

#### NAYS

Smith  
Total—1

#### ABSENT

Mr. President	Marionneaux
Bean	McPherson
Total—4	

The Chair declared the bill was passed. The title was read and adopted. Senator Theunissen moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### HOUSE BILL NO. 948—

BY REPRESENTATIVES THOMPSON, BAUDOUIN, BRUCE, CAZAYOUX, DOWNS, FANNIN, FRITH, HILL, KENNEY, LAFLEUR, MÖRRISH, JACK SMITH, AND STRAIN

#### AN ACT

To amend and reenact R.S. 14:212(A), relative to false statements concerning transactions involving forestry products; to prohibit making false statements with regard to ownership interests in, the tract name of, or the property description of, land on which forest products are harvested; and to provide for related matters.

The bill was read by title. Senator Barham moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Adeley	Gautreaux	Malone
Bajoie	Heitmeier	Marionneaux
Barham	Hines	McPherson
Boissiere	Holden	Michot
Cain	Hollis	Mount
Chaisson	Hoyt	Romero
Dardenne	Irons	Schedler
Dean	Johnson	Smith
Dupre	Jones, B	Tarver
Ellington	Jones, CD	Theunissen
Fields	Lambert	Thomas
Fontenot	Lentini	Ullo
Total—36		

#### NAYS

Total—0

#### ABSENT

Mr. President	Bean	Cravins
Total—3		

The Chair declared the bill was passed. The title was read and adopted. Senator Barham moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### HOUSE BILL NO. 1191—

BY REPRESENTATIVE DURAND

#### AN ACT

To amend and reenact R.S. 14:67.1 and to repeal R.S. 14:67.4 and 67.5, relative to theft; to provide for the crime of theft of livestock; to provide for criminal intent; to provide for criminal penalties; to provide for presumptive evidence and affirmative

defenses; to define "livestock"; to repeal the crimes of theft of domesticated fish from fish farms and theft of crawfish; and to provide for related matters.

### Floor Amendments Sent Up

Senator Smith sent up floor amendments which were read.

### SENATE FLOOR AMENDMENTS

Conforming Amendments proposed by Senator Smith to Reengrossed House Bill No. 1191 by Representative Durand (Duplicate of Senate Bill No. 745)

#### AMENDMENT NO. 1

On page 1, lines 6 and 7 delete "to repeal the crimes of theft of domesticated fish from fish farms and theft of crawfish;"

#### AMENDMENT NO. 2

On page 2, line 7, change "other" to "owner"

#### AMENDMENT NO. 3

On page 2, line 9, change "other" to "owner"

#### AMENDMENT NO. 4

On page 2, lines 16 and 17, delete "the owner," and insert "an"

#### AMENDMENT NO. 5

On page 2, line 17, delete "or"

#### AMENDMENT NO. 6

On page 2, line 18, between "3:663," and "or acquired" insert "or owner"

#### AMENDMENT NO. 7

On page 2, line 18, between "of the" and "agent," delete "owner," and after "dealer," delete "or"

#### AMENDMENT NO. 8

On page 2, line 19, between "3:663," and "within" insert "or owner,"

#### AMENDMENT NO. 9

On page 2, line 25, change "Any" to "Either"

#### AMENDMENT NO. 10

On page 3, line 8, delete "owner," and change "or public" to "public"

#### AMENDMENT NO. 11

On page 3, line 9, between "3:663," and "to the" insert "or owner"

#### AMENDMENT NO. 12

On page 3, line 16, after "profit" change the semicolon ";" to a comma "," and delete the remainder of the line and insert in lieu thereof the following: "used in agriculture."

#### AMENDMENT NO. 13

On page 3, line 17, after "silvaculture," delete the remainder of the line and insert in lieu thereof the following: "or for other related purposes or used in the production"

#### AMENDMENT NO. 14

On page 3, line 18, delete "producing"

#### AMENDMENT NO. 15

On page 3, delete line 19 in its entirety and insert in lieu thereof the following: "This definition includes, but is not limited to cattle, buffalo, bison, oxen, and other bovine."

#### AMENDMENT NO. 16

On page 4, line 1, between "waters," and "and any hybrid" insert the following: "any commercial crawfish from any crawfish pond."

#### AMENDMENT NO. 17

On page 4, line 3, decap "State"

On motion of Senator Smith, the amendments were adopted.

The bill was read by title. Senator Smith moved final passage of the amended bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Adley	Gautreaux	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Jones, CD	Thomas
Ellington	Lambert	Ullo
Fields	Lentini	
Fontenot	Malone	
Total—37		

#### NAYS

Total—0

#### ABSENT

Mr. President

Bean

Total—2

The Chair declared the amended bill was passed. The title was read and adopted. Senator Smith moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### Rules Suspended

Senator Adley asked for and obtained a suspension of the rules for the purpose of reverting to the Morning Hour.

### Messages from the House

The following Messages from the House were received and read as follows:

### Message from the House

#### CONCURRING IN SENATE CONCURRENT RESOLUTIONS

May 13, 2003

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally concurred in the following Senate Concurrent Resolutions:

#### SENATE CONCURRENT RESOLUTION NO. 45—

BY SENATOR LAMBERT

#### A CONCURRENT RESOLUTION

To urge and request that Louisiana State University Health Sciences Center and Tulane University Medical Center cooperate with Aneurysm Outreach, Inc., a Louisiana nonprofit organization dedicated to mobilizing people and resources to eradicate

aneurysms, by assisting in the provision of portable ultrasound technology and necessary staff to develop a system to provide aneurysm screening statewide for those considered to be most at risk.

Reported without amendments.

**SENATE CONCURRENT RESOLUTION NO. 66—**  
BY SENATOR ROMERO

**A CONCURRENT RESOLUTION**

To urge and request the Atchafalaya Basin Program to study Henderson Lake, located in the Atchafalaya Basin Swamp, and to make recommendations for its long-term viability including water quality, recreation features, economic development, and tourism.

Reported without amendments.

Respectfully submitted,  
ALFRED W. SPEER  
Clerk of the House of Representatives

**Introduction of Resolutions,  
Senate and Concurrent**

Senator Lambert asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Resolutions, Senate and Concurrent, a first and second time and acting upon them as follows:

**SENATE RESOLUTION NO. 42—**  
BY SENATOR HOLDEN

**A RESOLUTION**

To commend and congratulate the players, coaches, managerial personnel, trainer, and statistician of the Southern University Lady Jaguars Softball Team on winning the Southwestern Athletic Conference Tournament Championship Title.

On motion of Senator Holden, the resolution was read by title and adopted.

**SENATE CONCURRENT RESOLUTION NO. 79—**  
BY SENATOR JOHNSON

**A CONCURRENT RESOLUTION**

To urge and request the Department of Transportation and Development to study the feasibility of adding an additional lane in each direction along the portion of Interstate 10 in New Orleans East.

On motion of Senator Lambert, the resolution was read by title and referred to the Committee on Transportation, Highways, and Public Works.

**SENATE CONCURRENT RESOLUTION NO. 80—**

BY SENATORS SMITH, ADLEY, BAJOE, BARHAM, BEAN, BOISSIERE, CAIN, CHAISSON, CRAVINS, DARDENNE, DEAN, DUPRE, ELLINGTON, FIELDS, FONTENOT, GAUTREAUX, HAINKEL, HEITMEIER, HINES, HOLDEN, HOLLIS, HOYT, IRONS, JOHNSON, B. JONES, C. JONES, LAMBERT, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, ROMERO, SCHEDLER, TARVER, THEUNISSEN, THOMAS, AND ULLO

**A CONCURRENT RESOLUTION**

To express the sincere and heartfelt condolences of the Legislature of Louisiana on the death of former United States Senator Russell Billiu Long, son of Huey Pierce and Rose McConnell Long, and nephew of George S. Long, and Earl K. Long.

The resolution was read by title. Senator Smith moved to adopt the Senate Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Fontenot	McPherson
Bajoie	Gautreaux	Michot
Barham	Heitmeier	Mount
Boissiere	Hines	Romero
Cain	Holden	Schedler
Chaisson	Hollis	Smith
Cravins	Hoyt	Tarver
Dardenne	Jones, CD	Theunissen
Dean	Lambert	Thomas
Dupre	Lentini	Ullo
Ellington	Malone	
Fields	Marionneaux	
Total—34		

**NAYS**

Total—0

**ABSENT**

Mr. President	Irons	Jones, B
Bean	Johnson	
Total—5		

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

**SENATE CONCURRENT RESOLUTION NO. 81—**  
BY SENATOR MOUNT

**A CONCURRENT RESOLUTION**

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of the Honorable William Lasater "Bill" McLeod, Jr. of Lake Charles and the enduring gratitude of the members for his outstanding contributions to the city of Lake Charles and the state of Louisiana, particularly during his twenty-three-year tenure as a distinguished member of the legislature.

The resolution was read by title. Senator Mount moved to adopt the Senate Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Fontenot	Marionneaux
Bajoie	Gautreaux	McPherson
Barham	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Holden	Romero
Chaisson	Hollis	Schedler
Cravins	Hoyt	Smith
Dardenne	Jones, B	Tarver
Dean	Jones, CD	Theunissen
Dupre	Lambert	Thomas
Ellington	Lentini	Ullo
Fields	Malone	
Total—35		

**NAYS**

Total—0

**ABSENT**

Mr. President	Irons
Bean	Johnson

Total—4

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

**SENATE CONCURRENT RESOLUTION NO. 82—**

BY SENATOR SMITH

**A CONCURRENT RESOLUTION**

To urge and request the Louisiana Judicial College to institute mandatory continuing legal education for judges on the family law topics of child custody and child support guidelines.

On motion of Senator Lambert, the resolution was read by title and referred to the Committee on Judiciary A.

**SENATE CONCURRENT RESOLUTION NO. 83—**

BY SENATOR HOLDEN

**A CONCURRENT RESOLUTION**

To urge and request the Department of Transportation and Development to place signs at the junction of Interstate 10 West and Interstate 110 North in the city of Baton Rouge that indicate "I-10 West - Texas - Houston".

On motion of Senator Lambert, the resolution was read by title and referred to the Committee on Transportation, Highways, and Public Works.

**Messages from the House**

The following Messages from the House were received and read as follows:

**Message from the House**

**ASKING CONCURRENCE IN  
HOUSE BILLS AND JOINT RESOLUTIONS**

May 13, 2003

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

**HOUSE BILL NO. 1894—**

BY REPRESENTATIVE WOOTON

**AN ACT**

To amend and reenact R.S. 56:302.9.1(A), relative to charter boat licenses; to provide that such licenses are required only for motorized vessels; and to provide for related matters.

**HOUSE BILL NO. 954—**

BY REPRESENTATIVES WINSTON, SCHWEGMANN, STRAIN, ERDEY, MCVEA, NEVERS, AND POWELL

**AN ACT**

To amend and reenact R.S. 39:1533(A) and to enact Part IX-A of Chapter 1 of Title 28 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 28:382.1 and 771(E) and Chapter 16 of Title 28 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 28:851 through 856, and R.S. 36:254(H) and 258(H), relative to human services; to provide a statewide framework to govern the delivery of mental health, developmental disabilities, and addictive disorders services funded by appropriations from the state; to create the Florida Parishes Human Services Authority; to provide for powers, duties, and functions of the authority; to create a governing board and provide for membership, powers, duties, and functions; to provide for the transfer of certain powers, duties, and functions from the Department of Health and Hospitals to the authority; to provide for transfer of employees; and to provide for related matters.

**HOUSE BILL NO. 1686—**

BY REPRESENTATIVES DEWITT, CRANE, FUTRELL, KATZ, PITRE, SHAW, TUCKER, DOWNER, AND McDONALD

**AN ACT**

To enact R.S. 17:416.1(D) and R.S. 32:407(E) and 431, relative to drivers' licenses and learners' licenses; to prohibit issuance of a license for one year to a student who is expelled or suspended from school for ten or more consecutive school days for committing certain infractions or who withdraws from school under certain circumstances; to require notification to the office of motor vehicles when a student is expelled or suspended from school or withdraws from school under certain circumstances; to provide for suspension of a driver's license; to require notification of such suspension; to allow reinstatement of driving privileges under certain circumstances; to provide for an appeal process; to provide for hardship; to prohibit an increase in insurance rates due to such license suspension; to provide for the promulgation of rules; and to provide for related matters.

**HOUSE BILL NO. 1905—**

BY REPRESENTATIVES CURTIS, ALEXANDER, CROWE, HONEY, HUDSON, KENNEY, NEVERS, PEYCHAUD, JANE SMITH, STELLY, SWILLING, AND WINSTON

**AN ACT**

To enact R.S. 17:81(O), relative to powers and duties of city and parish school boards; to prohibit a school board member from using his authority of office to directly or indirectly compel or coerce personnel decisions or employee decisions; and to provide for related matters.

**HOUSE BILL NO. 1718—**

BY REPRESENTATIVES ANSARDI, TOOMY, AND TUCKER

**AN ACT**

To amend and reenact R.S. 34:2021(D), 2022(A), (C)(2)(introductory paragraph), and (I), 2024, 2027, and 2028 and to enact R.S. 34:2022(K) and 2033 through 2037, relative to the Jefferson Parish Economic Development and Port District; to provide for rights and powers; to provide for sale of bonds; to provide for right of expropriation; to provide for general compliances; to create and provide for additional economic development; to create and provide for additional powers; to create and provide for revenue bonds; to create and provide for exemption from ad valorem taxes; and to provide for related matters.

**HOUSE BILL NO. 1788—**

BY REPRESENTATIVE MORRISH AND SENATOR DARDENNE

**AN ACT**

To enact Subpart B of Part XXX of Chapter 1 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:1430 through 1430.17, and to repeal R.S. 22:1406.1 through 1406.13 and 1431 through 1445, relative to residential and commercial property insurance; to provide for the Louisiana Citizens Property Insurance Corporation; to provide for the FAIR Plan; to provide for the Coastal Plan; to provide for a board of directors; to provide for the Louisiana Insurance Rating Commission; to provide for corporate powers; to provide for certain immunity; to provide for a plan of operation; to provide for assessments; to provide for charges and surcharges; to provide for participating insurers; to provide for eligibility; to provide for insurance; to provide for rates; to provide for contributions by the state; to provide for plan deficits; and to provide for related matters.

**HOUSE BILL NO. 809—**

BY REPRESENTATIVE GUILLORY

**AN ACT**

To amend and reenact R.S. 33:120.8, relative to the Calcasieu Parish Planning and Zoning Board; to increase the maximum per diem authorized to be paid to such members for attending board meetings and to reduce the number of board meetings for which per diem may be paid; and to provide for related matters.

**HOUSE BILL NO. 1085—**

BY REPRESENTATIVE ERDEY

AN ACT

To enact R.S. 33:3819(D), relative to the Ward Two Water District of the Parish of Livingston; to increase the maximum per diem authorized to be paid to members of the governing board of the district for attending board meetings; and to provide for related matters.

**HOUSE BILL NO. 139—**

BY REPRESENTATIVE FLAVIN

AN ACT

To amend and reenact Code of Civil Procedure Article 4843(E)(2) and (H), relative to the civil jurisdiction of the City Court of Lake Charles; to increase the jurisdictional amount of the court; and to provide for related matters.

**HOUSE BILL NO. 196—**

BY REPRESENTATIVES ANSARDI, ALARIO, BROOME, BRUCE, BRUNEAU, CAZAYOUX, DAMICO, DIEZ, DURAND, FAUCHEUX, FRITH, GUILLORY, HILL, ILES, L. JACKSON, M. JACKSON, KATZ, LANCASTER, LANDRIEU, MARTINY, McDONALD, MURRAY, ODINET, POWELL, QUEZAIRE, ROMERO, SCHWEGMANN, SHAW, JACK SMITH, SNEED, STRAIN, TOOMY, WALKER, AND WELCH AND SENATORS HAINKEL, HOLDEN, HOLLIS, AND THOMAS

AN ACT

To enact Part VI-C of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2176 through 2180, relative to alternate health care models; to provide with respect to the licensure of alternate health care models; to provide procedures and fees; and to provide for related matters.

**HOUSE BILL NO. 411—**

BY REPRESENTATIVE MCVEA

AN ACT

To amend and reenact R.S. 11:1541, relative to the Clerks of Court Retirement and Relief Fund; to provide with respect to the membership of the board of trustees; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 591—**

BY REPRESENTATIVE GALLOT

AN ACT

To amend and reenact R.S. 18:102, relative to persons ineligible to register to vote; to provide for the eligibility of a person convicted of a felony prior to adoption of the 1974 Constitution of Louisiana who has fully satisfied and completed his sentence to register to vote and vote; and to provide for related matters.

**HOUSE BILL NO. 711—**

BY REPRESENTATIVES HAMMETT AND DEWITT

AN ACT

To enact R.S. 33:4548.5(A)(20) and 4548.6(N), relative to the powers of the Louisiana Local Government Environmental Facilities and Community Development Authority; to provide that the authority may make loans to political subdivisions under any loan guaranty program of any department or agency of the United States; to authorize political subdivisions to borrow from the authority; and to provide for related matters.

**HOUSE BILL NO. 786—**

BY REPRESENTATIVES DANIEL AND WELCH

AN ACT

To repeal Section 4 of Act No. 47 of the 2002 First Extraordinary Session of the Legislature, relative to the Capitol House Taxing District; to remove the provision making the law providing for the district effective upon the transfer of property of the district to the East Baton Rouge City-Parish; and to provide for related matters.

**HOUSE BILL NO. 915—**

BY REPRESENTATIVE SCHNEIDER

AN ACT

To amend and reenact R.S. 11:822(E), relative to the Teachers' Retirement System of Louisiana; to provide with respect to election procedures for members of the board of trustees; to provide for dissemination of election information to system members; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 918—**

BY REPRESENTATIVE SCHNEIDER

AN ACT

To enact Part VI of Chapter 2 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:91 through 94, relative to birth certificates; to provide for the issuance of certificates of stillbirth; to provide for delayed certificates of stillbirth; to provide for certified copies and fees; and to provide for related matters.

**HOUSE BILL NO. 964—**

BY REPRESENTATIVE LEBLANC

AN ACT

To amend and reenact Section 3(A) of Act No. 38 of the 1974 Regular Session of the Legislature, as amended by Act No. 673 of the 1977 Regular Session of the Legislature, Act No. 940 of the 1981 Regular Session of the Legislature, Act No. 939 of the 1986 Regular Session of the Legislature, and Act No. 40 of the 1989 Regular Session of the Legislature, relative to the taxes levied by the governing authority of Lafayette Parish upon the occupancy of hotel rooms and overnight camping facilities within the parish, the proceeds of which are used to support the Lafayette Parish Convention and Visitors Commission; to provide that the amount of such taxes shall not exceed four percent of the rent or fee charged for such occupancy; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 967—**

BY REPRESENTATIVE WELCH

AN ACT

To amend and reenact R.S. 46:153.3(B)(2)(a)(introductory paragraph) and (D)(5)(a) and to enact R.S. 46:153.3(D)(5)(d)(xii) and (e), relative to the medical assistance drug program; to exempt from the prior approval requirement those medications that can be used as either primary or rescue therapy in emergency treatment of severe allergic reactions; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 986—**

BY REPRESENTATIVE MURRAY

AN ACT

To amend and reenact R.S. 11:163(B) and to enact R.S. 11:163(C), relative to the Louisiana State Employees' Retirement System; to provide for purchase of service credit for time on leave without pay; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 1127—**

BY REPRESENTATIVE LANDRIEU

AN ACT

To enact R.S. 33:9091.6, to create the Upper Hurstville Security District in the parish of Orleans; to provide relative to the boundaries, purpose, and governance of the district; to provide relative to taxes or fees to be levied and collected in the district; and to provide for related matters.

**HOUSE BILL NO. 1204—**

BY REPRESENTATIVE MONTGOMERY

AN ACT

To amend and reenact R.S. 11:2180.2(C) and 2180.3(C)(3) and to enact R.S. 11:2178.1(C)(14) and 2180.5, relative to the Sheriffs' Pension and Relief Fund; to provide for calculation of Back-DROP benefits to assure compliance with the Internal Revenue



Code, for an increase in the annual compensation limit subject to federal law that is used for purposes of certain calculations used in determining benefits, for the definition of "eligible retirement plan" for purpose of transfers of benefits, and for creation of an excess benefit plan; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 1235—**

BY REPRESENTATIVE CAZAYOUX  
AN ACT

To enact R.S. 33:4574.1-A(I), relative to the occupancy taxes levied by certain tourist commissions; to authorize certain tourist commissions to increase such taxes; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 1278—**

BY REPRESENTATIVES SCHNEIDER, DANIEL, AND TRICHE  
AN ACT

To amend and reenact R.S. 11:103(B)(3)(e)(i), (ii), and (iv), relative to the Municipal Police Employees' Retirement System; to provide for the determination of the employer contribution rate; to change the period for amortization of certain changes in actuarial liability from fifteen years to thirty years; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 1780—**

BY REPRESENTATIVE TUCKER  
AN ACT

To enact R.S. 22:629(C), relative to insurance contracts; to provide for arbitration clauses; and to provide for related matters.

**HOUSE BILL NO. 1965—**

BY REPRESENTATIVE HOPKINS  
AN ACT

To enact R.S. 27:307(F), relative to the Video Poker Devices Control Law; to provide with respect to rules and regulations; to provide for licensees to participate in the promotion of device play with the potential for an enhanced compensation other than that awarded by the gaming device; and to provide for related matters.

**HOUSE BILL NO. 1294—**

BY REPRESENTATIVE BOWLER  
AN ACT

To amend and reenact R.S. 23:1310.5(B), relative to disputed workers' compensation claims; to provide for appellate procedures of disputed claims; to permit the appeals to be taken within certain time periods; and to provide for related matters.

**HOUSE BILL NO. 1306—**

BY REPRESENTATIVE LANCASTER  
AN ACT

To enact R.S. 42:3.2, to prohibit a public official from using public funds for certain public service announcements if he has qualified as a candidate for election; to provide for penalties for violation of this provision; and to provide for related matters.

**HOUSE BILL NO. 1347—**

BY REPRESENTATIVE TOOMY  
AN ACT

To amend and reenact R.S. 13:717(C), (D)(1) and (2)(e), (F)(introductory paragraph), and (H) and 718(A), (B), and (I)(2) and to repeal R.S. 13:717(E) and 718(G), relative to the offices of commissioner for the Twenty-Fourth Judicial District Court; to provide for the qualifications and salary of the commissioners; to repeal the authority of the commissioners to hear criminal trials; to repeal the termination date of the office of commissioner; to require the sheriff of Jefferson Parish to collect the premium fee from each commercial surety underwriting criminal bail bonds in Jefferson Parish; and to provide for related matters.

**HOUSE BILL NO. 1426—**

BY REPRESENTATIVE DANIEL  
AN ACT

To amend and reenact R.S. 11:449(C), 788(C), 1152(F)(3), 1312(H), 1456(F)(1), 1530(F), 1641(C), 1763(F)(2), 1938(F)(2), 2178.1(C)(9)(a), 2221(F)(2), and 2257(F)(2), relative to state and statewide retirement systems; to provide with respect to Deferred Retirement Option Plans and Back-Deferred Retirement Option Plans; to provide for investment of the funds in such plans; to require that any investment of such funds after the member completes participation in the plan shall be in liquid asset money market investments; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 1437—**

BY REPRESENTATIVE HEBERT  
AN ACT

To enact R.S. 22:250.39, relative to health insurance; to provide with respect to underpayment of health insurance claims; to provide relative to retroactive contractual rate adjustments negotiated between a health insurance issuer and a health care provider; and to provide for related matters.

**HOUSE BILL NO. 1438—**

BY REPRESENTATIVE HEBERT  
AN ACT

To amend and reenact R.S. 22:245(A) and 246(1), (2), and (9), relative to a pilot health insurance program; to provide for small employers; to provide for eligibility; to provide for health insurance issuers; and to provide for related matters.

**HOUSE BILL NO. 1606—**

BY REPRESENTATIVES MORRISH AND FAUCHEUX  
AN ACT

To amend and reenact R.S. 22:230.5(C) and to enact R.S. 22:230.5(D) and 2016.1, relative to health insurance; to provide with respect to health insurance benefits and options mandated by law; to provide for a moratorium on additional statutory mandates; and to provide for related matters.

**HOUSE BILL NO. 1626—**

BY REPRESENTATIVE DANIEL  
AN ACT

To amend and reenact R.S. 11:723.1(B), relative to the Teachers' Retirement System of Louisiana; to provide for actuarial purchase of service credit for certain service performed under contract; to provide relative to the time period during which such purchase may be made and procedures therefor; to provide an effective date; and to provide for related matters.

**HOUSE BILL NO. 1662—**

BY REPRESENTATIVES K. CARTER AND PEYCHAUD  
AN ACT

To enact R.S. 17:29, relative to school social workers; to require the employment of a full-time social worker in each city, parish, and other local public school identified as a failing school in certain parishes; to provide for definitions; to provide for applicability; to provide for effectiveness; and to provide for related matters.

**HOUSE BILL NO. 1684—**

BY REPRESENTATIVE DANIEL  
AN ACT

To amend and reenact R.S. 11:301 through 309, relative to state and statewide retirement systems; to reestablish the Commission on Public Retirement; and to provide for related matters.

**HOUSE BILL NO. 1688—**

BY REPRESENTATIVE LAFLEUR  
AN ACT

To amend and reenact R.S. 18:424(E) and 425(E), relative to compensation of commissioners and commissioners-in-charge; to provide for commissioners and commissioners-in-charge to be

paid timely for their services on election day; and to provide for related matters.

**HOUSE BILL NO. 1741—**

BY REPRESENTATIVE PINAC

AN ACT

To enact Chapter 8-A of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:871 through 878, relative to delivery sales of cigarettes; to provide for definitions; to provide relative to the regulation of sales of cigarettes when such sale is made pursuant to an order placed by means of telephone or other voice transmission, mail or other delivery service, or the Internet or online service or when delivery is made by mail or by delivery service; to provide for penalties for violations; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 1797—**

BY REPRESENTATIVE KENNEY

AN ACT

To amend and reenact R.S. 3:3105(B) and to enact R.S. 3:3107, relative to the importation of cervid species; to provide for entry requirements of cervid species into Louisiana; to provide for penalties; to provide for quarantines; and to provide for related matters.

**HOUSE BILL NO. 1841—**

BY REPRESENTATIVE FANNIN

AN ACT

To amend and reenact R.S. 56:1685(C)(20), relative to Caney Creek Lake State Park; to rename the state park Jimmie Davis State Park; and to provide for related matters.

**HOUSE BILL NO. 1852—**

BY REPRESENTATIVE R. CARTER

AN ACT

To enact R.S. 13:996.60, relative to judicial expense funds of district courts; to establish a judicial expense fund for a district court comprised of two parishes with one parish having a population of between fourteen thousand seven hundred fifty and fifteen thousand two hundred fifty and one parish having a population between twenty-one thousand two hundred eighty and twenty-one thousand five hundred according to the most recent federal decennial census; to provide for assessment of fees in civil and criminal matters; to require the clerks of court to place all sums collected into a separate account designated as the judicial expense fund; to require annual audits; to provide for uses of the fund; to prohibit the use of the fund for salaries; and to provide for related matters.

**HOUSE BILL NO. 1874—**

BY REPRESENTATIVE JOHN SMITH

AN ACT

To enact R.S. 40:1300.143(3)(a)(viii), relative to the Rural Hospital Preservation Act; to add certain hospitals to the definition of a rural hospital; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 1877—**

BY REPRESENTATIVE GARY SMITH

AN ACT

To enact R.S. 22:214.3(C), relative to health insurance; to require health care providers and hospitals to provide certain information, including a claim form, to patients upon request; and to provide for related matters.

**HOUSE BILL NO. 1881—**

BY REPRESENTATIVE SCHNEIDER

AN ACT

To amend and reenact R.S. 11:449(C), 1152(F)(3), 1312(H), 1456(F)(1), 1530(F), 1641(C), 1763(F)(2), 1938(F)(2), 2178.1(C)(9)(a), 2221(F)(2), and 2257(F)(2), relative to state and statewide retirement systems; to provide with respect to

Deferred Retirement Option Plans and Back-Deferred Retirement Option Plans; to provide for investment of the funds in such plans; to require that any investment of such funds after the member completes participation in the plan shall be in liquid asset money market investments; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 1890—**

BY REPRESENTATIVE TOWNSEND

AN ACT

To amend and reenact R.S. 17:1966, relative to extracurricular activities; to permit students attending the Louisiana School for Math, Science, and the Arts to be eligible to participate in extracurricular activities at certain state-approved nonpublic schools; and to provide for related matters.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

**Message from the House****PASSED SENATE BILLS AND  
JOINT RESOLUTIONS**

May 13, 2003

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed the following Senate Bills and Joint Resolutions:

**SENATE BILL NO. 210—**

BY SENATOR BARHAM AND REPRESENTATIVE MCDONALD

AN ACT

To authorize and empower the Department of Wildlife and Fisheries to sell or exchange or otherwise transfer title to certain property in Ouachita and Morehouse parishes; to provide for the use of proceeds derived from any sale of such property; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 246—**

BY SENATOR SMITH AND REPRESENTATIVE SALTER

AN ACT

To authorize the state to exchange and convey title to certain property in Sabine Parish for certain property owned by Blue Lake Village, Incorporated; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 463—**

BY SENATOR MCPHERSON

AN ACT

To authorize and provide for the transfer of certain state property, together with all buildings and improvements thereon, located in Rapides Parish, to the Department of Culture, Recreation and Tourism; to require completion of certain conditions prior to transfer; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 485—**

BY SENATOR HOLLIS

AN ACT

To enact R.S. 6:506(E) and 507(D), relative to financial institution branch offices; to provide for leased branch offices; to provide for waiver of certain closure requirements; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 487—**

BY SENATORS HOLLIS AND MICHOT  
AN ACT

To amend and reenact R.S. 6:231(C), relative to amendments to the articles of incorporation of banks; to provide a procedure for after-the-fact approval of amendments to articles; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 489—**

BY SENATORS HOLLIS AND MICHOT  
AN ACT

To amend and reenact R.S. 6:937 and 1207, relative to dividends and capital surplus; to revise certain dividend and capital surplus requirements; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 496—**

BY SENATORS HOLLIS AND HEITMEIER  
AN ACT

To amend and reenact R.S. 6:351(C) and 352.1(A), (B)(introductory paragraph), and (H)(2) and to repeal R.S. 6:352.1(H)(3) and (4), relative to share exchanges; to revise the definition of share exchange procedures between state financial institutions; to require commissioner approval for share exchanges; to require shareholder approval for share exchanges; to eliminate certain filing requirements with the commissioner; and to provide for related matters.

Reported without amendments.

Respectfully submitted,  
ALFRED W. SPEER  
Clerk of the House of Representatives

**House Bills and Joint Resolutions  
on First Reading**

The following House Bills and Joint Resolutions were read a first time by their titles and placed on the Calendar for their second reading:

**HOUSE BILL NO. 139—**

BY REPRESENTATIVE FLAVIN  
AN ACT

To amend and reenact Code of Civil Procedure Article 4843(E)(2) and (H), relative to the civil jurisdiction of the City Court of Lake Charles; to increase the jurisdictional amount of the court; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 196—**

BY REPRESENTATIVES ANSARDI, ALARIO, BROOME, BRUCE, BRUNEAU, CAZAYOUX, DAMICO, DIEZ, DURAND, FAUCHEUX, FRITH, GUILLORY, HILL, ILES, L. JACKSON, M. JACKSON, KATZ, LANCASTER, LANDRIEU, MARTINY, MCDONALD, MURRAY, ODINET, POWELL, QUEZAIRE, ROMERO, SCHWEGMANN, SHAW, JACK SMITH, SNEED, STRAIN, TOOMY, WALKER, AND WELCH AND SENATORS HAINKEL, HOLDEN, HOLLIŠ, AND THOMAS  
AN ACT

To enact Part VI-C of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2176 through 2180, relative to alternate health care models; to provide with respect to the licensure of alternate health care models; to provide procedures and fees; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 411—**

BY REPRESENTATIVE MCVEA  
AN ACT

To amend and reenact R.S. 11:1541, relative to the Clerks of Court Retirement and Relief Fund; to provide with respect to the membership of the board of trustees; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 591—**

BY REPRESENTATIVE GALLOT  
AN ACT

To amend and reenact R.S. 18:102, relative to persons ineligible to register to vote; to provide for the eligibility of a person convicted of a felony prior to adoption of the 1974 Constitution of Louisiana who has fully satisfied and completed his sentence to register to vote and vote; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 711—**

BY REPRESENTATIVES HAMMETT AND DEWITT  
AN ACT

To enact R.S. 33:4548.5(A)(20) and 4548.6(N), relative to the powers of the Louisiana Local Government Environmental Facilities and Community Development Authority; to provide that the authority may make loans to political subdivisions under any loan guaranty program of any department or agency of the United States; to authorize political subdivisions to borrow from the authority; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 786—**

BY REPRESENTATIVES DANIEL AND WELCH  
AN ACT

To repeal Section 4 of Act No. 47 of the 2002 First Extraordinary Session of the Legislature, relative to the Capitol House Taxing District; to remove the provision making the law providing for the district effective upon the transfer of property of the district to the East Baton Rouge City-Parish; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 809—**

BY REPRESENTATIVE GUILLORY  
AN ACT

To amend and reenact R.S. 33:120.8, relative to the Calcasieu Parish Planning and Zoning Board; to increase the maximum per diem authorized to be paid to such members for attending board meetings and to reduce the number of board meetings for which per diem may be paid; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 915—**

BY REPRESENTATIVE SCHNEIDER  
AN ACT

To amend and reenact R.S. 11:822(E), relative to the Teachers' Retirement System of Louisiana; to provide with respect to election procedures for members of the board of trustees; to provide for dissemination of election information to system members; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 918—**BY REPRESENTATIVE SCHNEIDER  
AN ACT

To enact Part VI of Chapter 2 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:91 through 94, relative to birth certificates; to provide for the issuance of certificates of stillbirth; to provide for delayed certificates of stillbirth; to provide for certified copies and fees; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 954—**BY REPRESENTATIVES WINSTON, SCHWEGMANN, STRAIN, ERDEY,  
MCVEA, NEVERS, AND POWELL  
AN ACT

To amend and reenact R.S. 39:1533(A) and to enact Part IX-A of Chapter 1 of Title 28 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 28:382.1 and 771(E) and Chapter 16 of Title 28 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 28:851 through 856, and R.S. 36:254(H) and 258(H), relative to human services; to provide a statewide framework to govern the delivery of mental health, developmental disabilities, and addictive disorders services funded by appropriations from the state; to create the Florida Parishes Human Services Authority; to provide for powers, duties, and functions of the authority; to create a governing board and provide for membership, powers, duties, and functions; to provide for the transfer of certain powers, duties, and functions from the Department of Health and Hospitals to the authority; to provide for transfer of employees; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 964—**BY REPRESENTATIVE LEBLANC  
AN ACT

To amend and reenact Section 3(A) of Act No. 38 of the 1974 Regular Session of the Legislature, as amended by Act No. 673 of the 1977 Regular Session of the Legislature, Act No. 940 of the 1981 Regular Session of the Legislature, Act No. 939 of the 1986 Regular Session of the Legislature, and Act No. 40 of the 1989 Regular Session of the Legislature, relative to the taxes levied by the governing authority of Lafayette Parish upon the occupancy of hotel rooms and overnight camping facilities within the parish, the proceeds of which are used to support the Lafayette Parish Convention and Visitors Commission; to provide that the amount of such taxes shall not exceed four percent of the rent or fee charged for such occupancy; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 967—**BY REPRESENTATIVE WELCH  
AN ACT

To amend and reenact R.S. 46:153.3(B)(2)(a)(introductory paragraph) and (D)(5)(a) and to enact R.S. 46:153.3(D)(5)(d)(xii) and (e), relative to the medical assistance drug program; to exempt from the prior approval requirement those medications that can be used as either primary or rescue therapy in emergency treatment of severe allergic reactions; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 986—**BY REPRESENTATIVE MURRAY  
AN ACT

To amend and reenact R.S. 11:163(B) and to enact R.S. 11:163(C), relative to the Louisiana State Employees' Retirement System; to provide for purchase of service credit for time on leave without pay; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1085—**BY REPRESENTATIVE ERDEY  
AN ACT

To enact R.S. 33:3819(D), relative to the Ward Two Water District of the Parish of Livingston; to increase the maximum per diem authorized to be paid to members of the governing board of the district for attending board meetings; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1127—**BY REPRESENTATIVE LANDRIEU  
AN ACT

To enact R.S. 33:9091.6, to create the Upper Hurstville Security District in the parish of Orleans; to provide relative to the boundaries, purpose, and governance of the district; to provide relative to taxes or fees to be levied and collected in the district; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1204—**BY REPRESENTATIVE MONTGOMERY  
AN ACT

To amend and reenact R.S. 11:2180.2(C) and 2180.3(C)(3) and to enact R.S. 11:2178.1(C)(14) and 2180.5, relative to the Sheriffs' Pension and Relief Fund; to provide for calculation of Back-DROP benefits to assure compliance with the Internal Revenue Code, for an increase in the annual compensation limit subject to federal law that is used for purposes of certain calculations used in determining benefits, for the definition of "eligible retirement plan" for purpose of transfers of benefits, and for creation of an excess benefit plan; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1235—**BY REPRESENTATIVE CAZAYOUX  
AN ACT

To enact R.S. 33:4574.1-A(I), relative to the occupancy taxes levied by certain tourist commissions; to authorize certain tourist commissions to increase such taxes; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1278—**BY REPRESENTATIVES SCHNEIDER, DANIEL, AND TRICHE  
AN ACT

To amend and reenact R.S. 11:103(B)(3)(e)(i), (ii), and (iv), relative to the Municipal Police Employees' Retirement System; to provide for the determination of the employer contribution rate; to change the period for amortization of certain changes in actuarial liability from fifteen years to thirty years; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1294—**

BY REPRESENTATIVE BOWLER

AN ACT

To amend and reenact R.S. 23:1310.5(B), relative to disputed workers' compensation claims; to provide for appellate procedures of disputed claims; to permit the appeals to be taken within certain time periods; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1306—**

BY REPRESENTATIVE LANCASTER

AN ACT

To enact R.S. 42:3.2, to prohibit a public official from using public funds for certain public service announcements if he has qualified as a candidate for election; to provide for penalties for violation of this provision; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1347—**

BY REPRESENTATIVE TOOMY

AN ACT

To amend and reenact R.S. 13:717(C), (D)(1) and (2)(e), (F)(introductory paragraph), and (H) and 718(A), (B), and (I)(2) and to repeal R.S. 13:717(E) and 718(G), relative to the offices of commissioner for the Twenty-Fourth Judicial District Court; to provide for the qualifications and salary of the commissioners; to repeal the authority of the commissioners to hear criminal trials; to repeal the termination date of the office of commissioner; to require the sheriff of Jefferson Parish to collect the premium fee from each commercial surety underwriting criminal bail bonds in Jefferson Parish; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1426—**

BY REPRESENTATIVE DANIEL

AN ACT

To amend and reenact R.S. 11:449(C), 788(C), 1152(F)(3), 1312(H), 1456(F)(1), 1530(F), 1641(C), 1763(F)(2), 1938(F)(2), 2178.1(C)(9)(a), 2221(F)(2), and 2257(F)(2), relative to state and statewide retirement systems; to provide with respect to Deferred Retirement Option Plans and Back-Deferred Retirement Option Plans; to provide for investment of the funds in such plans; to require that any investment of such funds after the member completes participation in the plan shall be in liquid asset money market investments; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1437—**

BY REPRESENTATIVE HEBERT

AN ACT

To enact R.S. 22:250.39, relative to health insurance; to provide with respect to underpayment of health insurance claims; to provide relative to retroactive contractual rate adjustments negotiated between a health insurance issuer and a health care provider; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1438—**

BY REPRESENTATIVE HEBERT

AN ACT

To amend and reenact R.S. 22:245(A) and 246(1), (2), and (9), relative to a pilot health insurance program; to provide for small employers; to provide for eligibility; to provide for health insurance issuers; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1606—**

BY REPRESENTATIVES MORRISH AND FAUCHEUX

AN ACT

To amend and reenact R.S. 22:230.5(C) and to enact R.S. 22:230.5(D) and 2016.1, relative to health insurance; to provide with respect to health insurance benefits and options mandated by law; to provide for a moratorium on additional statutory mandates; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1626—**

BY REPRESENTATIVE DANIEL

AN ACT

To amend and reenact R.S. 11:723.1(B), relative to the Teachers' Retirement System of Louisiana; to provide for actuarial purchase of service credit for certain service performed under contract; to provide relative to the time period during which such purchase may be made and procedures therefor; to provide an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1662—**

BY REPRESENTATIVES K. CARTER AND PEYCHAUD

AN ACT

To enact R.S. 17:29, relative to school social workers; to require the employment of a full-time social worker in each city, parish, and other local public school identified as a failing school in certain parishes; to provide for definitions; to provide for applicability; to provide for effectiveness; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1684—**

BY REPRESENTATIVE DANIEL

AN ACT

To amend and reenact R.S. 11:301 through 309, relative to state and statewide retirement systems; to reestablish the Commission on Public Retirement; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1686—**

BY REPRESENTATIVES DEWITT, CRANE, FUTRELL, KATZ, PITRE, SHAW, TUCKER, DOWNER, AND McDONALD

AN ACT

To enact R.S. 17:416.1(D) and R.S. 32:407(E) and 431, relative to drivers' licenses and learners' licenses; to prohibit issuance of a license for one year to a student who is expelled or suspended from school for ten or more consecutive school days for committing certain infractions or who withdraws from school under certain circumstances; to require notification to the office of motor vehicles when a student is expelled or suspended from school or withdraws from school under certain circumstances; to provide for suspension of a driver's license; to require notification of such suspension; to allow reinstatement of driving privileges under certain circumstances; to provide for an appeal process; to provide for hardship; to prohibit an increase in insurance rates due to such license suspension; to provide for the promulgation of rules; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1688—**

BY REPRESENTATIVE LAFLEUR

AN ACT

To amend and reenact R.S. 18:424(E) and 425(E), relative to compensation of commissioners and commissioners-in-charge; to provide for commissioners and commissioners-in-charge to be

paid timely for their services on election day; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1718—**

BY REPRESENTATIVES ANSARDI, TOOMY, AND TUCKER  
AN ACT

To amend and reenact R.S. 34:2021(D), 2022(A), (C)(2)(introductory paragraph), and (I), 2024, 2027, and 2028 and to enact R.S. 34:2022(K) and 2033 through 2037, relative to the Jefferson Parish Economic Development and Port District; to provide for rights and powers; to provide for sale of bonds; to provide for right of expropriation; to provide for general compliances; to create and provide for additional economic development; to create and provide for additional powers; to create and provide for revenue bonds; to create and provide for exemption from ad valorem taxes; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1741—**

BY REPRESENTATIVE PINAC

AN ACT

To enact Chapter 8-A of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:871 through 878, relative to delivery sales of cigarettes; to provide for definitions; to provide relative to the regulation of sales of cigarettes when such sale is made pursuant to an order placed by means of telephone or other voice transmission, mail or other delivery service, or the Internet or online service or when delivery is made by mail or by delivery service; to provide for penalties for violations; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1780—**

BY REPRESENTATIVE TUCKER

AN ACT

To enact R.S. 22:629(C), relative to insurance contracts; to provide for arbitration clauses; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1788—**

BY REPRESENTATIVE MORRISH AND SENATOR DARDENNE

AN ACT

To enact Subpart B of Part XXX of Chapter 1 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:1430 through 1430.17, and to repeal R.S. 22:1406.1 through 1406.13 and 1431 through 1445, relative to residential and commercial property insurance; to provide for the Louisiana Citizens Property Insurance Corporation; to provide for the FAIR Plan; to provide for the Coastal Plan; to provide for a board of directors; to provide for the Louisiana Insurance Rating Commission; to provide for corporate powers; to provide for certain immunity; to provide for a plan of operation; to provide for assessments; to provide for charges and surcharges; to provide for participating insurers; to provide for eligibility; to provide for insurance; to provide for rates; to provide for contributions by the state; to provide for plan deficits; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1797—**

BY REPRESENTATIVE KENNEY

AN ACT

To amend and reenact R.S. 3:3105(B) and to enact R.S. 3:3107, relative to the importation of cervid species; to provide for entry requirements of cervid species into Louisiana; to provide for

penalties; to provide for quarantines; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1841—**

BY REPRESENTATIVE FANNIN

AN ACT

To amend and reenact R.S. 56:1685(C)(20), relative to Caney Creek Lake State Park; to rename the state park Jimmie Davis State Park; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1852—**

BY REPRESENTATIVE R. CARTER

AN ACT

To enact R.S. 13:996.60, relative to judicial expense funds of district courts; to establish a judicial expense fund for a district court comprised of two parishes with one parish having a population of between fourteen thousand seven hundred fifty and fifteen thousand two hundred fifty and one parish having a population between twenty-one thousand two hundred eighty and twenty-one thousand five hundred according to the most recent federal decennial census; to provide for assessment of fees in civil and criminal matters; to require the clerks of court to place all sums collected into a separate account designated as the judicial expense fund; to require annual audits; to provide for uses of the fund; to prohibit the use of the fund for salaries; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1874—**

BY REPRESENTATIVE JOHN SMITH

AN ACT

To enact R.S. 40:1300.143(3)(a)(viii), relative to the Rural Hospital Preservation Act; to add certain hospitals to the definition of a rural hospital; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1877—**

BY REPRESENTATIVE GARY SMITH

AN ACT

To enact R.S. 22:214.3(C), relative to health insurance; to require health care providers and hospitals to provide certain information, including a claim form, to patients upon request; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1881—**

BY REPRESENTATIVE SCHNEIDER

AN ACT

To amend and reenact R.S. 11:449(C), 1152(F)(3), 1312(H), 1456(F)(1), 1530(F), 1641(C), 1763(F)(2), 1938(F)(2), 2178.1(C)(9)(a), 2221(F)(2), and 2257(F)(2), relative to state and statewide retirement systems; to provide with respect to Deferred Retirement Option Plans and Back-Deferred Retirement Option Plans; to provide for investment of the funds in such plans; to require that any investment of such funds after the member completes participation in the plan shall be in liquid asset money market investments; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1890—**

BY REPRESENTATIVE TOWNSEND  
AN ACT

To amend and reenact R.S. 17:1966, relative to extracurricular activities; to permit students attending the Louisiana School for Math, Science, and the Arts to be eligible to participate in extracurricular activities at certain state-approved nonpublic schools; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1894—**

BY REPRESENTATIVE WOOTON  
AN ACT

To amend and reenact R.S. 56:302.9.1(A), relative to charter boat licenses; to provide that such licenses are required only for motorized vessels; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1905—**

BY REPRESENTATIVES CURTIS, ALEXANDER, CROWE, HONEY, HUDSON, KENNEY, NEVERS, PEYCHAUD, JANE SMITH, STELLY, SWILLING, AND WINSTON  
AN ACT

To enact R.S. 17:81(O), relative to powers and duties of city and parish school boards; to prohibit a school board member from using his authority of office to directly or indirectly compel or coerce personnel decisions or employee decisions; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1965—**

BY REPRESENTATIVE HOPKINS  
AN ACT

To enact R.S. 27:307(F), relative to the Video Poker Devices Control Law; to provide with respect to rules and regulations; to provide for licensees to participate in the promotion of device play with the potential for an enhanced compensation other than that awarded by the gaming device; and to provide for related matters.

The bill was read by title; lies over under the rules.

**Reports of Committees**

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON**

**ENVIRONMENTAL QUALITY**

Senator Cain, Chairman on behalf of the Committee on Environmental Quality, submitted the following report:

May 13, 2003

To the President and Members of the Senate:

I am directed by your Committee on Environmental Quality to submit the following report:

**SENATE BILL NO. 174—**

BY SENATOR HAINKEL  
AN ACT

To amend and reenact R.S. 30:2157, relative to environmental quality; to provide for changes in emergency response standards for permits for a solid disposal facility; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 447—**

BY SENATOR CRAVINS  
AN ACT

To amend and reenact R.S. 30:2154(B)(7), and enact R.S. 30:2154(B)(6), relative to the disposal of solid waste; to require local governing authorities to obtain an annual permit from the Department of Environmental Quality before disposing of solid waste in a location outside the boundaries of the governing authority; to provide for criterion; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 594—**

BY SENATOR MCPHERSON  
AN ACT

To amend and reenact R.S. 30:2154(B)(1)(a) and the introductory paragraph of (b) and to enact R.S. 30:2154(B)(9), relative to environmental quality; to provide for the disposal of sewage or treated waste water; to provide for a definition; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 1080—**

BY SENATOR ELLINGTON  
AN ACT

To amend and reenact R.S. 30:2418(G) and (H)(3) and (7), relative to waste tires; to provide for the disbursement of funds from the waste tire fund; to provide incentives for tires processed outside of Louisiana; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
JAMES DAVID CAIN  
Chairman

**REPORT OF COMMITTEE ON**

**AGRICULTURE, FORESTRY, AQUACULTURE  
AND RURAL DEVELOPMENT**

Senator Smith, Chairman on behalf of the Committee on Agriculture, Forestry, Aquaculture and Rural Development, submitted the following report:

May 13, 2003

To the President and Members of the Senate:

I am directed by your Committee on Agriculture, Forestry, Aquaculture and Rural Development to submit the following report:

**SENATE BILL NO. 707—**

BY SENATOR SMITH  
AN ACT

To amend and reenact R.S. 3:264(H), relative to the Louisiana Agricultural Finance Authority; to limit the number of meetings of the Louisiana Agricultural Finance Authority; and to provide for related matters.

Reported with amendments.

**HOUSE CONCURRENT RESOLUTION NO. 90—**

BY REPRESENTATIVE THOMPSON  
A CONCURRENT RESOLUTION

To urge and request the United States Secretary of Agriculture to expeditiously implement and expand cost of production insurance for cotton that is based on a producer's actual production cost history and to implement a cost of production insurance pilot program.

Reported favorably.

**HOUSE CONCURRENT RESOLUTION NO. 117—**

BY REPRESENTATIVE TOWNSEND

**A CONCURRENT RESOLUTION**

To memorialize the Congress of the United States to provide an exemption to the Sherman Anti-Trust Act to allow small and medium sized United States based and owned lumber manufacturers to sell their products through company-owned retail outlets.

Reported favorably.

**HOUSE BILL NO. 27—**

BY REPRESENTATIVES HILL, BOWLER, FAUCHEUX, FRITH, AND WALSWORTH

**AN ACT**

To enact R.S. 49:170.8, relative to state symbols; to provide that mayhaw jelly and cane jelly are the official state jellies of Louisiana; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 334—**

BY REPRESENTATIVE PINAC

**AN ACT**

To repeal R.S. 3:3654(E)(3) and (4)(e), relative to financing statements for farm products; to repeal the requirement of the signature of the debtor; to repeal the requirement of a general property description; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 768—**

BY REPRESENTATIVES DIEZ, BAUDOIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, KENNEY, MORRISH, JACK SMITH, AND STRAIN

**AN ACT**

To enact Subpart E of Part II of Chapter 30 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:4671, relative to sugar mill scales; to require sugar mills to lock out their scales in certain situations; to prohibit compensation for excess weight; to provide relative to certain requirements of the Department of Agriculture and Forestry; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1362—**

BY REPRESENTATIVES DANIEL, BAUDOIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, KENNEY, MORRISH, JACK SMITH, AND STRAIN

**AN ACT**

To amend and reenact R.S. 3:4622 and to enact R.S. 3:4603(B)(9), relative to weights and measures; to provide for the appointment of commission members; to increase the registration fees for commercial weighing and measuring devices; to create the Weight and Measures Fund; to provide for deposit to the fund and appropriation from the fund; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1368—**

BY REPRESENTATIVES THOMPSON, HILL, LAFLEUR, MORRISH, BAUDOIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, KENNEY, JACK SMITH, AND STRAIN

**AN ACT**

To amend and reenact R.S. 3:1313(C)(1) and to repeal R.S. 3:1317(4), relative to fertilizer fees; to increase such fees and to provide for their use; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1396—**

BY REPRESENTATIVES THOMPSON, HILL, LAFLEUR, MORRISH, BAUDOIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, KENNEY, JACK SMITH, AND STRAIN

**AN ACT**

To amend and reenact R.S. 3:3210(C)(5), 3221(A), and 3251, relative to pesticide fees; to provide for increases in various registration, licensing, and certification fees; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1398—**

BY REPRESENTATIVES THOMPSON, HILL, LAFLEUR, MORRISH, BAUDOIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, KENNEY, JACK SMITH, AND STRAIN

**AN ACT**

To amend and reenact R.S. 3:749(A) and to enact R.S. 3:749(C) and (D), relative to Livestock Brand Commission fees; to increase certain Livestock Brand Commission fees; to authorize the Livestock Brand Commission to charge fees for certain services; to create the Livestock Brand Commission Fund; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1400—**

BY REPRESENTATIVES THOMPSON, HILL, LAFLEUR, MORRISH, BAUDOIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, KENNEY, JACK SMITH, AND STRAIN

**AN ACT**

To amend and reenact R.S. 3:2305(D), 2307(C), and 2311, relative to apiary fees; to provide for apiary registration and inspection fees; to provide for disposition of such fees; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1402—**

BY REPRESENTATIVES THOMPSON, HILL, LAFLEUR, MORRISH, BAUDOIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, KENNEY, JACK SMITH, AND STRAIN

**AN ACT**

To amend and reenact R.S. 3:3806(A)(2), (B), (C), (D), and (G), relative to horticulture fees; to increase certain horticulture fees; to create the Horticulture Commission Fund; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1472—**

BY REPRESENTATIVES THOMPSON, HILL, LAFLEUR, MORRISH, BAUDOIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, KENNEY, JACK SMITH, AND STRAIN

**AN ACT**

To amend and reenact R.S. 3:3409(E), 3411(D) and (E), 3414.3(G), 3422(A), and 3423 and to enact R.S. 3:3422(D), relative to agricultural commodity dealer and warehouse fees; to increase certain agricultural commodity dealer and warehouse fees; to create the Agricultural Commodity Dealers and Warehouse Fund; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 1486—**

BY REPRESENTATIVES TOOMY, ANSARDI, CAPELLA, DAMICO, GREEN, MARTINY, BAUDOIN, BRUCE, CAZAYOUX, DOWNS, FANNIN, FRITH, HILL, KENNEY, LAFLEUR, MORRISH, JACK SMITH, AND STRAIN AND SENATOR LENTINI

**AN ACT**

To amend and reenact R.S. 3:2735, 2736, and 2774 and to enact R.S. 3:2778 and Part VIII of Chapter 18 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:3021, relative to regulation of dogs and animals; to provide exceptions for parishes and municipalities of over four hundred twenty-five



thousand population operating under a home rule charter; to provide for the utilization of license fees and fines; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1493—**

BY REPRESENTATIVES THOMPSON, HILL, LAFLEUR, MORRISH, BAUDOIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, KENNEY, JACK SMITH, AND STRAIN  
AN ACT

To amend and reenact R.S. 3:1734, relative to sweet potato inspection fees; to create the Sweet Potato Pests and Diseases Fund; to provide for disposition of funds; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1533—**

BY REPRESENTATIVES DANIEL, BAUDOIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, KENNEY, MORRISH, JACK SMITH, AND STRAIN  
AN ACT

To amend and reenact R.S. 3:4602(1), (2), (17), and (21), 4607(A) and (B), 4608(A), 4611, 4612(B), 4621(A)(introductory paragraph), (B), (C), and (D), 4622(B)(4), (C), and (D), 4623(A), and 4624(A) and R.S. 47:718(A), to enact R.S. 3:4602(12.1), (19.1), and (20.1), 4621(E) and (F), and Subpart E of Part II of Chapter 30 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:4671 through 4690, and to repeal R.S. 3:4622(F) and Part XII of Chapter 2 of Title 51 of Louisiana Revised Statutes of 1950, comprised of R.S. 51:781 through 831, relative to weighing and measuring petroleum products; to authorize the commissioner of agriculture and the Department of Agriculture and Forestry to regulate the commercial weighing and measuring of petroleum products; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1652—**

BY REPRESENTATIVES THOMPSON, HILL, LAFLEUR, MORRISH, BAUDOIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, KENNEY, STRAIN, AND JACK SMITH  
AN ACT

To amend and reenact R.S. 3:1901(A), (B), (C)(1), and (E), to enact R.S. 3:1901(F), and to repeal R.S. 3:1907(D), relative to commercial feed fees; to create the Commercial Feed Fund; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1675—**

BY REPRESENTATIVES THOMPSON, HILL, LAFLEUR, MORRISH, BAUDOIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, KENNEY, JACK SMITH, AND STRAIN  
AN ACT

To amend and reenact R.S. 3:1431, 1432(B), 1436, 1437(B), 1438, 1439, 1440, 1441, 1444(6) and (9), 1446, and 1448, to enact R.S. 3:1433(A)(3)(g), (h), (i), and (j), 1434(5), 1435(6), (7), and (8), 1444(10) and (11), and 1449, and to repeal R.S. 3:1442, relative to the regulation of seeds; to provide for definitions; to provide for the powers and duties of the commissioner of the Department of Agriculture and Forestry and the Seed Commission; to provide for the labeling of seeds; to increase the annual license fee for seed dealers; to specify certain prohibited acts; to provide exemptions; to increase the regulatory fee charged by the Seed Commission; to create the Seed Commission Fund; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1696—**

BY REPRESENTATIVES THOMPSON, HILL, LAFLEUR, MORRISH, BAUDOIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, KENNEY, JACK SMITH, AND STRAIN  
AN ACT

To amend and reenact R.S. 3:1655(B), (C), and (D), relative to nursery stock inspection fees; to establish the Crop Pests and Diseases Fund; to provide for disposition of funds; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1827 (Substitute for House Bill No. 1262 by Representative Thompson)—**

BY REPRESENTATIVE THOMPSON  
AN ACT

To enact R.S. 3:304, relative to the master farmer program; to provide for certification; to provide for the promulgation of rules and regulations; to provide for requirements for certification and maintaining certification; to provide for verification; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
MIKE SMITH  
Chairman

**REPORT OF COMMITTEE ON**

**JUDICIARY A**

Senator Ellington, Chairman on behalf of the Committee on Judiciary A, submitted the following report:

May 13, 2003

To the President and Members of the Senate:

I am directed by your Committee on Judiciary A to submit the following report:

**SENATE BILL NO. 62—**

BY SENATOR MCPHERSON  
AN ACT

To amend and reenact Code of Civil Procedure Arts. 683(C), 732(C), 4501 and 4502, relative to the proper party to enforce a right of, or an obligation against an unemancipated minor; to provide that either parent may represent the minor whenever the other parent is mentally incompetent, committed, interdicted, imprisoned, or an absentee; to provide that, with permission of the judge, either parent may represent the minor whenever the other parent fails or refuses to do so; to provide that either the father or the mother has the powers of a tutor to represent a minor; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 277—**

BY SENATOR ELLINGTON  
AN ACT

To amend and reenact R.S. 37:1731(A)(2)(a), relative to emergency care at public and private hospitals; to provide for emergency room patients; to provide for persons not primarily employed as emergency room personnel; to provide a limitation of liability to certain persons providing gratuitous emergency care; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 303—**  
BY SENATOR MOUNT

**AN ACT**

To amend and reenact Title V of the Children's Code, to be comprised of Articles 501 and 502, 507 through 514, 524 through 529, and 538 through 540; and to repeal Children's Code Article 503, relative to services to families; to provide for the use of multidisciplinary investigative teams as a response to the investigation and disposition of cases of child abuse within each judicial district; to provide for definitions; to provide for the membership of each team; to provide for the development and content of interagency protocols for each team for the investigation of allegations of child abuse; to provide for the qualifications of a forensic interviewer of children; to provide for the adoption of a confidentiality policy for a multidisciplinary team; to provide for immunity from civil or criminal liability for a team member; to provide for the establishment of child advocacy centers to encourage agency cooperation and to expedite the resolution of abuse allegations; to establish the responsibilities, confidentiality policy and immunity from civil or criminal liability for the child advocacy centers; to revise certain statutory provisions regarding the Children's Advocacy Clearinghouse; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 454—**  
BY SENATOR HAINKEL

**AN ACT**

To amend and reenact R.S. 9:4103(A), relative to alternative dispute resolution; to provide for the referral of a case to mediation by the court; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 613—**  
BY SENATOR C. JONES

**AN ACT**

To amend and reenact R.S. 46:236.5(B)(1), relative to public assistance; to provide for the establishment of paternity and the enforcement of child support; to provide for an exception to fee assessment; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 625—**  
BY SENATOR IRONS

**AN ACT**

To amend and reenact R.S. 13:4713(C), relative to public nuisance; to provide for an award of expenses incurred in abating a public nuisance or civil penalties upon issuance of a final injunction; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 726—**  
BY SENATOR C. JONES

**AN ACT**

To amend and reenact Children's Code Art. 810, relative to constitutional rights; to provide with respect to waiver of right to counsel; to provide for the constitutional rights of accused delinquents; to prohibit juveniles from waiving right to counsel under certain circumstances; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 818—**  
BY SENATOR B. JONES (On Recommendation of the La State Law Institute)

**AN ACT**

To amend and reenact Code of Civil Procedure Art. 42(5), 561(A), 932, 933, 934, 967, 1201(A), 1424, 1425, 1436.1, 1443, 1455, 1914, and 3295, and Children's Code Art.332, relative to the continuous revision of the Code of Civil Procedure; to provide venue for actions against certain foreign corporations, limited liability companies, and non-residents; to provide for abandonment of actions; to provide for the effect of sustaining declinatory, dilatory, and peremptory exceptions; to provide for citation and service; to provide for interlocutory judgments, notice and delay; to provide for giving in payment; to provide for experts, discovery and depositions; to provide for affidavits of experts in summary judgments; to remove restrictions on discovery of testifying expert witnesses; to allow a court to order a deposition by phone over objection of one or more parties; to provide deposition procedure; to provide for notice of judgment in the Children's Code and reference therein to the Code of Civil Procedure; and, to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 929—**  
BY SENATOR HAINKEL

**AN ACT**

To enact Part XV of Chapter 1 of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:4780 through 4785, relative to boats and boating; to provide with respect to the "Marina and Boatyard Storage Act"; to provide definitions; to provide with respect to the creation of a privilege on movable property stored in marinas and boatyards for the payment of rent due and other charges; to provide for exclusions; to provide with respect to notice of privilege; to provide for the enforcement of the privilege by sale or other disposition; to provide for an effective date; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 969—**  
BY SENATOR BOISSIERE

**AN ACT**

To repeal Section 3 of Act 734 of the 1999 Regular Session, relative to written motions; to provide with respect to special motion to strike; to remove certain reporting duties of the Judicial Council relative thereto; to provide for an effective date; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 1046—**  
BY SENATOR B. JONES

**AN ACT**

To enact Part III-F of Title 19 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 19:135 through 135.6, relative to expropriation; to authorize expropriation of property by a declaration of taking by cities with a population size between twenty thousand five hundred twenty-five and twenty thousand five hundred fifty; to provide for the contents of a petition for expropriation; to provide for title to such property; to provide for notice and contesting of expropriation procedures by current land owners; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
NOBLE E. ELLINGTON  
Chairman

**REPORT OF COMMITTEE ON  
JUDICIARY B**

Senator Cravins, Chairman on behalf of the Committee on Judiciary B, submitted the following report:

May 13, 2003

To the President and Members of the Senate:

I am directed by your Committee on Judiciary B to submit the following report:

**SENATE RESOLUTION NO. 40—**  
BY SENATOR C. JONES

**A RESOLUTION**

To urge and request the Senate Committee on Judiciary B to study the financial impact on the state of participating in the New Communities Program.

Reported favorably.

**SENATE BILL NO. 180—**  
BY SENATOR FIELDS

**AN ACT**

To enact Part I-C of Chapter 7 of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:743 through 749, R.S. 15:1225, and R.S. 36:4(B)(1)(r), relative to wrongfully incarcerated prisoners; to create the Wrongfully Incarcerated Compensation Board; to provide for definitions; to place such board under the administration of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice; to provide for membership of such board; to prohibit compensation for such members; to require payment of per diem and travel expenses for such members; to provide for eligibility of claimants; to provide relative to form of application; to establish time limits of application; to provide for powers and duties of the board; to authorize the promulgation of rules and regulations by the board; to authorize public hearings for determination of compensation; to authorize payment of compensation upon findings by the board that such payment is justified; to authorize emergency awards at the discretion of the board and under certain circumstances; to limit the amount of such emergency awards; to create the Wrongfully Incarcerated Compensation Fund; to establish fraudulent procurement or counseling fraudulent procurement of compensation from the fund as a crime and provides penalties; to authorize payment of attorney fees; to limit the amount of such fees; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 372—**  
BY SENATOR SCHEDLER

**AN ACT**

To amend and reenact R.S. 15:587(B), relative to criminal identification and information; to provide relative to the Louisiana Bureau of Criminal Identification and Information; to provide relative to finger printing services by such bureau under certain circumstances; to authorize fees for such services; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 448—**  
BY SENATOR CRAVINS

**AN ACT**

To enact R.S. 27:311(F), relative to Video Draw Poker Devices Control Law; to provide with respect to licensing by division; to provide that a device owner shall not be required to maintain minimum balance or security under certain conditions; to provide for fines; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 477—**  
BY SENATOR CHAISSON

**AN ACT**

To amend and reenact R.S. 27:302(A)(5)(j) and 304, and to enact R.S. 27:301(B)(16) and 302(E), relative to the Video Draw Poker Devices Control Law; to provide with respect to video draw poker; to provide for definitions; to provide for description and specifications; to provide for limitation on amount of money played and value of prizes; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 522—**  
BY SENATOR C. JONES

**AN ACT**

To amend and reenact Code of Criminal Procedure Art. 926.1 (A)(1), (H)(3), and (K) and R.S. 15:151.2 and to enact Code of Criminal Procedure Art. 926.1(A)(3) and 930.7(D), relative to post conviction relief; to provide relative to DNA testing; to extend the period of time in which an application for post conviction relief through DNA testing can be made; to require appointment of counsel for an indigent petitioner for such relief; to create the Court Appointed Counsel for Post-Conviction Relief for Indigents in Non-capital Cases Fund; to place such fund under the authority of the Indigent Defense Assistance Board; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 919—**  
BY SENATOR MALONE

**AN ACT**

To amend and reenact R.S. 27:15(B)(1) and 31(A)(1); to enact Chapter 9 of Title 27 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 27:451, and to repeal Act No. 888 of the 1990 Regular Session of the Legislature and Act No. 817 of the 1993 Regular Session of the Legislature, relative to Indian gaming compacts; to provide a procedure for negotiation and approval of such compacts; to provide relative to approval authority; to provide relative to the terms of such compacts; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 1105—**  
BY SENATOR THOMAS

**AN ACT**

To enact R.S. 13:2619, relative to justice of the peace courts; to provide for the territorial jurisdiction of the justice of the peace courts in Tangipahoa Parish; to provide for continued effectiveness of existing districts; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
DONALD R. CRAVINS  
Chairman

**REPORT OF COMMITTEE ON**

**JUDICIARY C**

Senator Lentini, Chairman on behalf of the Committee on Judiciary C, submitted the following report:

May 13, 2003

To the President and Members of the Senate:

I am directed by your Committee on Judiciary C to submit the following report:

**SENATE BILL NO. 182—**

BY SENATOR C. JONES

**A JOINT RESOLUTION**

Proposing to amend Article IV, Section 8 of the Constitution of Louisiana, relative to the powers and duties of the attorney general; to provide that the attorney general shall investigate, in cooperation with the state police, and prosecute any homicide involving a state elected official; to provide for definitions; and to specify an election for submission of the proposition to electors; and provide a ballot proposition.

Reported with amendments.

**SENATE BILL NO. 244—**

BY SENATOR LENTINI

**AN ACT**

To enact Code of Criminal Procedure Art. 905.5.1, relative to sentencing in capital cases; to provide relative to a sentence of death; to prohibit such sentencing for a person determined to be mentally retarded; to require written notice relative to a claim of mental retardation; to provide for the release of certain information relative to the issue of mental retardation after such notice is given; to provide for a waiver of confidentiality and privilege to such information; to authorize independent examination of an individual making a claim of mental retardation; to provide for certain sanctions against a claimant who refuses to submit to such examination; to provide for definitions; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 480—**

BY SENATOR CHAISSON

**AN ACT**

To amend and reenact R.S. 15:542.1(H)(1) and 572(B), relative to sex offenses; to provide relative to required registration of sex offenders; to limit certain exemptions from such registration to a pardon by the governor; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 502—**

BY SENATOR DARDENNE

**AN ACT**

To amend and reenact R.S. 14:43(A)(1), relative to the crime of simple rape; to revise one of a set of circumstances that makes an act of sexual intercourse deemed to be without lawful consent; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 511—**

BY SENATOR C. JONES

**AN ACT**

To amend and reenact R.S. 40:967(F)(3), relative to the penalties for possession of GHB (gamma hydroxybutyric acid) and analogues of GHB to eliminate inaccurate references to Schedule II(D)(2); and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 660—**

BY SENATOR HEITMEIER

**AN ACT**

To enact R.S. 14:95(G)(4)(a) and (b), relative to Offenses Affecting the Public Safety; to provide with respect to the illegal carrying of weapons; to provide for certain exemptions from the prohibition of carrying concealed weapons for active reserve or auxiliary law enforcement officers who are qualified annually by the Council on Peace Officer Standards and Training; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 806—**

BY SENATOR JOHNSON

**AN ACT**

To enact R.S. 40:1797.1, relative to firearms; to require that all new firearms sold in Louisiana be equipped with a child safety lock at the time of the sale; to provide for an effective date; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 1027—**

BY SENATOR JOHNSON

**AN ACT**

To enact R.S. 14:40.4, relative to assault, battery, and related offenses; to prohibit burning a cross on the property of another or in a public place under certain circumstances; to provide penalties; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 1057—**

BY SENATOR LENTINI

**AN ACT**

To enact R.S. 15:262, relative to compulsory process; to provide relative to certain witnesses; to authorize certain law enforcement agencies to provide for the security of such witnesses; to provide for definitions; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
ARTHUR J. "ART" LENTINI  
Chairman

**Motion to Recommit**

Senator Boissiere asked for and obtained a suspension of the rules and recommitted Senate Bill No. 781 from the Committee on Environmental Quality to the Committee on Local and Municipal Affairs.

**Privilege Report of the Committee on  
Senate and Governmental Affairs**

**ENROLLMENTS**

Senator Ullo, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

May 13, 2003

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate Bills have been properly enrolled:

**SENATE BILL NO. 45—**

BY SENATOR MCPHERSON

**AN ACT**

To amend and reenact R.S. 56:332(E)(1) and (G) and to enact R.S. 56:332(M), relative to a program for removal of abandoned crab traps; to authorize the Louisiana Wildlife and Fisheries Commission to establish such a program; to require promulgation of rules and regulations under the Administrative Procedure Act; and to provide for related matters.

**SENATE BILL NO. 718 (Duplicate of House Bill No. 225)—**  
BY SENATOR HOLLIS AND REPRESENTATIVE PINAC AND  
COAUTHORED BY SENATOR HEITMEIER  
AN ACT

To amend and reenact R.S. 6:217(B) and (C), 232(C), 352.1(H)(4), 361(B)(2), 364.1(B), 365.1(A)(4), 366(E), 367(B)(7), 706(D), (E), and (F), 721(C)(4), (D), and (F), 862, 863(B), 868(E), 938(C), 1273(C), and 1284(5), relative to financial institution filing requirements; to eliminate document filing requirements with the secretary of state; and to provide for related matters.

**SENATE BILL NO. 791 (Duplicate of House Bill No. 1658)—**  
BY SENATOR BARHAM AND REPRESENTATIVE ALARIO  
AN ACT

To enact R.S. 47:301(16)(l), relative to political subdivision sales tax; to provide that tangible personal property shall not include other constructions permanently attached to the land; and to provide for related matters.

**SENATE BILL NO. 798 (Duplicate of House Bill No. 471)—**  
BY SENATOR BAJOE AND REPRESENTATIVE SHAW  
AN ACT

To amend and reenact R.S. 37:1358(B), relative to acupuncturists; to revise certain employment and supervision requirements for acupuncturist's assistants; and to provide for related matters.

Respectfully submitted,  
CHRIS ULLO  
Chairman

The foregoing Senate Bills were signed by the President of the Senate.

### Leaves of Absence

The following leaves of absence were asked for and granted:

Bajoie	½ Day	Bean	1 Day
Boissiere	½ Day	Cravins	½ Day
Fields	½ Day	Heitmeier	½ Day
B. Jones	½ Day	C. Jones	½ Day
Marionneaux	½ Day	McPherson	½ Day
Michot	½ Day	Romero	½ Day
Schedler	½ Day	Tarver	½ Day
Thomas	½ Day	Ullo	½ Day

### Adjournment

Senator Lambert moved that the Senate adjourn until Wednesday, May 14, 2003, at 9:30 o'clock A.M.

The President of the Senate declared the Senate adjourned until 9:30 o'clock A.M. on Wednesday, May 14, 2003.

MICHAEL S. BAER, III  
Secretary of the Senate

GAYE F. HAMILTON  
Journal Clerk